

# THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

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## TITLE 3—THE PRESIDENT EXECUTIVE ORDER 10489

PROVIDING FOR THE ADMINISTRATION OF CERTAIN LOAN AND LOAN GUARANTEE FUNCTIONS UNDER THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

By virtue of the authority vested in me by the Constitution and laws of the United States, including the Defense Production Act of 1950, as amended (50 U. S. C. App. 2061 et seq.) and the Reconstruction Finance Corporation Liquidation Act (67 Stat. 231, Public Law 163, approved July 30, 1953) and as President of the United States and Commander in Chief of the armed forces of the United States, it is hereby ordered that section 310 of the "Executive Order Further Providing for the Administration of the Defense Mobilization Program," being Executive Order No. 10480 of August 14, 1953 (18 F. R. 4942) shall be, and it is hereby, amended, effective at the close of business on September 28, 1953, to read as follows:

"SEC. 310. (a) The Secretary of the Treasury, hereafter in this section referred to as the Secretary, is hereby authorized and directed to make loans (including participations in, or guarantees of, loans) to private business enterprises (including research corporations not organized for profit) for the expansion of capacity, the development of technological processes, and the production of essential materials, including the exploration, development, and mining of strategic and critical metals and minerals, exclusive of such expansion, development and production in foreign countries, as authorized by and subject to section 302 of the Defense Production Act of 1950, as amended. The functions assigned to the Secretary by this section include the administration and servicing of all loans (including participations in, or guarantees of, loans) made by the Reconstruction Finance Corporation prior to September 29, 1953, pursuant to the said section 302.

"(b) Loans under section 310 (a) hereof (1) shall be made upon such

terms and conditions as the Secretary shall determine, (2) shall be made only after the Secretary has determined in each instance that financial assistance is not available on reasonable terms from private sources or from other governmental sources, and (3) shall be made only upon certificate of essentiality of the loan, which certificate shall be made by the Director of the Office of Defense Mobilization.

"(c) Applications for loans under section 310 (a) hereof shall be received from applicants by the Secretary or by such agencies of the Government as the Secretary shall designate for this purpose."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,  
September 26, 1953.

[F. R. Doc. 53-8401; Filed, Sept. 28, 1953;  
11:01 a. m.]

## TITLE 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Administration, Department of Agriculture

#### Subchapter B—Farm Ownership Loans

[FHA Instruction 443.3]

#### PART 333—PROCESSING SUBSEQUENT LOANS

##### ROUTING OF LOAN DOCKETS

Section 333.8 (c), Title 6, Code of Federal Regulations (14 F. R. 6328), is revised to provide for routing the loan docket from the County Supervisor to the State Field Representative, and to read as follows:

#### § 333.8 Approval of subsequent loans.

"(c) In the case of a subsequent loan to a transferee in connection with a transfer case or a credit sale of real estate, the County Supervisor will forward the docket to the State Field Representative, for handling in accordance with Subpart B or E of Part 372 of this chapter.

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(For use during 1953)

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Order from  
Superintendent of Documents, Government  
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(Sec. 41 (i), 60 Stat. 1066; 7 U. S. C. 1015 (i).  
Interprets or applies sec. 1 (a), 60 Stat. 1072;  
7 U. S. C. 1001 (a))

[SEAL] R. B. McLEAISH,  
Administrator,  
Farmers Home Administration.

SEPTEMBER 15, 1953.

Approved: September 23, 1953.

TRUE D. MORSE,  
Acting Secretary of Agriculture.

[F. R. Doc. 53-8295; Filed, Sept. 28, 1953;  
8:47 a. m.]

## TITLE 7—AGRICULTURE

### Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

#### PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

##### SUBPART B—STANDARDS

##### U. S. STANDARDS FOR EGGPLANT

On August 15, 1953, a notice of proposed rule making was published in the FEDERAL REGISTER (F. R. Doc. 53-7216, 18 F. R. 4894) regarding proposed United States Standards for Eggplant.

A period of thirty days was allowed for submitting written data, views and arguments for consideration in connection with the proposed standards. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice of rule making, the following United States Standards for Eggplant are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953).

§ 51.218 *Standards for eggplant*—(a) *Grades*—(1) *U. S. Fancy*. U. S. Fancy consists of eggplants of similar varietal

characteristics, which are well colored, firm, clean, well shaped, and which are free from decay and worm holes and free from injury caused by scars, freezing, disease, insects, or mechanical or other means. (See Tolerances for Defects.)

(2) *U. S. No. 1*. U. S. No. 1 consists of eggplants of similar varietal characteristics, which are fairly well colored, firm, clean, fairly well shaped, and which are free from decay and worm holes and free from damage caused by scars, freezing, disease, insects, or mechanical or other means. (See Tolerances for Defects.)

(3) *U. S. No. 2*. U. S. No. 2 consists of eggplants which are firm and which are free from decay and free from serious damage caused by freezing, disease, insects, or mechanical, or other means. (See Tolerances for Defects.)

(b) *Unclassified*. Unclassified consists of eggplants which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

(c) *Tolerances*. (1) In order to allow for variations incident to proper grading and handling, other than for size, not more than 10 percent, by count, in any lot shall be permitted for eggplants which fail to meet the requirements of the grade, including therein not more than 1 percent for decay.

(d) *Application of tolerances to individual packages*. (1) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified for the grade:

(i) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified; and,

(ii) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified: *Provided*, That at least one specimen which does not meet the requirements shall be allowed in any one package.

(e) *Size requirements*. (1) The size of eggplants may be specified in terms of count, minimum diameter, or a range in diameter in the container. Eggplants packed as U. S. Fancy or U. S. No. 1 grade shall be reasonably uniform in size, except when a range in diameter is specified.

(i) In order to allow for variations incident to proper sizing, not more than 5 percent, by count, of the eggplants in any lot may be below any specified minimum diameter and not more than 5 percent may be above any specified maximum diameter.

(f) *Definitions*. (1) "Similar varietal characteristics" means that the egg-

plants in any lot are similar in type, color, and character of growth.

(2) "Well colored" means that the eggplant has a uniform good color characteristic for the variety over practically the entire surface.

(3) "Firm" means that the eggplant is not soft, flabby or shriveled.

(4) "Clean" means that the eggplant is practically free from dirt or other foreign matter.

(5) "Well shaped" means that the eggplant has the normal shape characteristic of the variety, except that the shape may be slightly irregular, provided the appearance of the eggplant is not more than slightly affected.

(6) "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the eggplant. The following defect, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(i) Scars when they are slightly rough or when they are fairly smooth and more than slightly affect the appearance, shape or color of the eggplant.

(7) "Fairly well colored" means that the eggplant has a fairly good color characteristic for the variety, except that streaks of green color which do not materially affect the appearance shall be permitted.

(8) "Fairly well shaped" means that the eggplant may be slightly abnormal in shape but not to an extent that the appearance is materially affected.

(9) "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the eggplant. The following defect, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Scars when they are rough or materially cracked, or when they materially affect the appearance, shape or color of the eggplant.

(10) "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the eggplant.

(11) "Diameter" means the greatest dimension of the eggplant measured at right angles to the longitudinal axis.

(Sec. 205, 60 Stat. 1090, Pub. Law 156, 83d Cong.; 7 U. S. C. 1624)

*Effective time*. The United States Standards for Eggplant contained in this section and which supersede the United States Standards for Eggplant effective December 1, 1933, shall become effective thirty (30) days after the date of publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 23d day of September 1953.

[SEAL] GEORGE A. DICE,  
Deputy Assistant Administrator,  
Production and Marketing  
Administration.

[F. R. Doc. 53-8292; Filed, Sept. 28, 1953;  
8:47 a. m.]

**Chapter IX—Production and Marketing Administration (Marketing Agreement and Orders), Department of Agriculture**

[Lemon Reg. 503, Amdt. 1]

**PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA**

**LIMITATION OF SHIPMENTS**

*Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53 as amended (7 CFR Part 953) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the *FEDERAL REGISTER* (60 Stat. 237 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this statement is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

(b) *Order as amended.* The provisions in paragraph (b) (1) (ii) of § 953.610 (Lemon Regulation 503, 18 F. R. 5623) are amended to read as follows:

(ii) District 2, 300 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 24th day of September 1953.

[SEAL] M. W. BAKER,  
Acting Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-8294; Filed, Sept. 28, 1953; 8:47 a. m.]

**TITLE 16—COMMERCIAL PRACTICES**

**Chapter I—Federal Trade Commission**

[Docket 6029]

**PART 3—DIGEST OF CEASE AND DESIST ORDERS**

M & M SPRING CO.

Subpart—*Misrepresenting oneself and goods—Goods: § 3.1695 Old, second-*

*hand, reclaimed or reconstructed as new. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 3.1880 Old, used, reclaimed, or reused as unused or new.* In connection with the offering for sale, sale and distribution of automobile springs in commerce, (1) offering for sale, selling or delivering to others for sale to the public any automobile spring which is composed in whole or in part of previously used parts unless a disclosure that said automobile spring is composed, in whole or in part as the case may be of previously used parts, is permanently stamped or fixed on each said automobile spring in a clear and conspicuous manner and in such location as to be clearly legible to the purchaser thereof, and unless there is plainly printed or marked on the box, carton, wrapper or other container in which such automobile spring is sold or offered for sale, a notice that said automobile spring is composed, in whole or in part as the case may be, of previously used parts; and (2) representing, by failure to reveal or otherwise, that an automobile spring composed in whole or in part of previously used parts is composed entirely of new and previously unused parts; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Sidney Lenet d. b. a. M & M Spring Company, Philadelphia, Pa., Docket 6029, September 1, 1953]

This proceeding was heard by James A. Purcell, hearing examiner, upon the complaint of the Commission, respondent's admission answer, by the terms of which he waived hearings on the allegations of fact set forth in the complaint, did not contest the facts as charged, and specifically admitted all of the material allegations of fact as set forth therein to be true as charged, except that he was not presently engaged in the business activities described in the complaint, he having abandoned the same on June 15, 1952.

Thereafter, the proceeding regularly came on for final hearing by said examiner on the complaint and answer, proposed findings as to the facts and conclusion not having been requested nor filed, and said examiner, having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts,<sup>1</sup> conclusion drawn therefrom,<sup>1</sup> and order to cease and desist.

Thereafter, following respondent's appeal from said initial decision, the matter was disposed of by the Commission's "Order Denying Respondent's Appeal from Initial Decision; Decision of the Commission and Order to File Report of Compliance", dated September 1, 1953, as follows:

This matter came on to be heard by the Commission upon respondent's appeal from the initial decision of the hearing examiner and upon briefs in support of and in opposition to said appeal, oral argument not having been requested.

In support of his appeal respondent contends that (1) the admissions con-

tained in his answer to the complaint were made on the condition that no order would be issued herein by the Commission until final decision in another matter, Docket No. 5964, in which matter, at the time of the filing of the appeal herein, the Commission's decision was on appeal and was not final, (2) the Commission does not have the power to require respondent to affirmatively disclose that his automobile springs contain used parts, and (3) the order is unreasonable in that it goes further than is necessary to correct the complained of unfair practice.

The entire record herein consists of the complaint and an answer by respondent admitting all of the allegations of the complaint except that respondent states that he went out of business for himself approximately two months prior to the issuance of the complaint and since that date has been engaged in the sale of automobile springs as a salesman for the Lenco Spring Company. This admission answer was filed on the condition that the Commission and the hearing examiner would not issue an order herein until final decision has been reached in the matter of Maurice J. Lenett and Leonard Stolzberg, individuals doing business as Lenco Spring Company, Docket No. 5964. This condition was expressly waived as to the filing of the hearing examiner's initial decision. At the time the appeal brief was filed herein, the Lenco Spring Company matter was before the United States Court for the District of Columbia Circuit for review of the Commission's decision. Said appeal was dismissed by the court on June 2, 1953, upon a stipulation of counsel. The Commission's decision therein is now final. Therefore, the condition contained in said answer has been met and the basis for respondent's said objection to the entry of a decision herein has been removed.

By his admission answer respondent admits that his automobile springs, which are made in part of previously used materials, are assembled in such a manner as to have an appearance of being made entirely of new parts, that they are sold in commerce to dealers and are resold by them to the consuming public without any marking or label to indicate they are made in part of previously used parts, that they are accepted by the purchasing public as made of new parts, and that by their sale without markings disclosing they are made of used parts respondent has placed in the hands of dealers instrumentalities which have the tendency and capacity to deceive a substantial portion of the purchasing public into the belief that respondent's automobile springs were made of new parts and to induce them to buy his springs rather than competitors as a direct result of this erroneous belief.

Upon this record it is clear that the provisions of the hearing examiner's order requiring respondent to clearly and conspicuously disclose the fact said automobile springs are made of previously used parts, not only on the containers in which they are sold but also by a permanent stamp on each spring, are required to remove the illegal deception

<sup>1</sup> Filed as part of the original document.

[Docket 6100]

## PART 3—DIGEST OF CEASE AND DESIST ORDERS

GAYMONT LABORATORIES, INC., AND STEPHEN GAYMONT

created by respondent's practice of assembling its springs in such a manner as to resemble springs made entirely of new parts, and not disclosing their true construction. Such a requirement for affirmative disclosure by permanent markings when necessary to prevent deception of the purchasing public is clearly within the power of the Commission.

The Commission, therefore, being of the opinion that respondent's grounds for appeal are of no merit and that the initial decision of the hearing examiner is appropriate in all respects to dispose of this proceeding:

*It is ordered*, That respondent's appeal from the initial decision of the hearing examiner be, and it hereby is, denied.

*It is further ordered*, That the initial decision of the hearing examiner shall, on the 1st day of September 1953, become the decision of the Commission.

*It is further ordered*, That respondent Sidney Lenet, an individual, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist contained in said initial decision, a copy of which is attached hereto.

The order in said initial decision, thus made the decision of the Commission, is as follows:

*It is ordered*, That the respondent Sidney Lenet, individually and doing business as the M & M Spring Company or doing business under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of automobile springs in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or delivering to others for sale to the public any automobile spring which is composed in whole or in part of previously used parts unless a disclosure that said automobile spring is composed, in whole or in part as the case may be of previously used parts, is permanently stamped or fixed on each said automobile spring in a clear and conspicuous manner and in such location as to be clearly legible to the purchaser thereof, and unless there is plainly printed or marked on the box, carton, wrapper or other container in which such automobile spring is sold or offered for sale, a notice that said automobile spring is composed, in whole or in part as the case may be, of previously used parts.

2. Representing, by failure to reveal or otherwise, that an automobile spring composed in whole or in part of previously used parts is composed entirely of new and previously unused parts.

Issued: September 1, 1953.

By the Commission.

[SEAL] ALEX AKERMAN, JR.,  
Secretary.

[F. R. Doc. 53-8302; Filed, Sept. 28, 1953;  
8:49 a. m.]

Subpart—*Advertising falsely or misleadingly*: § 3.130 *Manufacture or preparation*: § 3.135 *Nature—Product*: § 3.170 *Qualities or properties of product or service*. In connection with the offering for sale, sale or distribution of Dr. Gaymont's Yogurt Culture and Dr. Gaymont's Instant Whey Powder, or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce of said products, which advertisements represent, directly or by inference: (a) That Dr. Gaymont's Yogurt Culture or yogurt made therefrom: (1) Is effective in the treatment of stomach ulcers, stomach acidity, colitis or intestinal disorders; (2) is effective as an alkalizer; (3) Is non-fattening, or provides one with a trim figure; (4) Is pre-digested, or aids digestion; (5) provides one with a glowing complexion; (6) keeps one healthy; (7) Is Nature's nearly perfect food; (8) Is effective in improving the appetite; or (9) Is an analgesic or relieves pain; or (b) that Dr. Gaymont's Instant Whey Powder: (1) Is effective in the treatment of colitis or digestive ailment; (2) will insure or assure sound teeth, strong bones, or robust health; (3) will give the user a glowing complexion or otherwise improve the complexion; or (4) is non-fattening, or that its use will result in a trimmer or more slender figure; prohibited, subject to the provision that prohibition (a) (4) shall not be construed as prohibiting the representation that yogurt has been recommended as a dietary supplement for individuals suffering from digestive disturbances.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Gaymont Laboratories, Inc. et al., Chicago, Ill., Docket 6100, September 8, 1953]

*In the Matter of Gaymont Laboratories, Inc., a Corporation, and Stephen Gaymont, Individually and as an Officer of Gaymont Laboratories, Inc.*

This proceeding was instituted by complaint which charged respondents with the use of unfair and deceptive acts and practices in violation of the provisions of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice," dated September 9, 1953, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on September 8, 1953 and ordered entered of record as the

Commission's findings as to the facts,<sup>1</sup> conclusion,<sup>1</sup> and order in disposition of this proceeding.

Said order thus entered of record, following the findings as to the facts and conclusion, reads as follows:

*It is ordered*, That Gaymont Laboratories, Inc., a corporation, its officers, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of Dr. Gaymont's Yogurt Culture and Dr. Gaymont's Instant Whey Powder, or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by inference:

(a) That Dr. Gaymont's Yogurt Culture or yogurt made therefrom:

(1) Is effective in the treatment of stomach ulcers, stomach acidity, colitis or intestinal disorders;

(2) Is effective as an alkalizer;

(3) Is non-fattening, or provides one with a trim figure;

(4) Is predigested, or aids digestion; provided, however, that this shall not be construed as prohibiting the representation that Yogurt has been recommended as a dietary supplement for individuals suffering from digestive disturbances.

(5) Provides one with a glowing complexion;

(6) Keeps one healthy;

(7) Is Nature's nearly perfect food;

(8) Is effective in improving the appetite;

(9) Is an analgesic or relieves pain;

(b) That Dr. Gaymont's Instant Whey Powder:

(1) Is effective in the treatment of colitis or digestive ailments;

(2) Will insure or assure sound teeth, strong bones, or robust health;

(3) Will give the user a glowing complexion or otherwise improve the complexion;

(4) Is non-fattening, or that its use will result in a trimmer or more slender figure.

2. Disseminating or causing to be disseminated, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act of said products, any advertisement which contains any of the representations prohibited in Paragraph 1 of this order.

*It is further ordered*, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

<sup>1</sup> Filed as part of the original document.

The foregoing consent settlement is hereby accepted by the Federal Trade Commission and entered of record on this 8th day of September 1953.

Issued: September 9, 1953.

By direction of the Commission.

[SEAL] ALEX. AKERMAN, JR.,  
Secretary.

[F. R. Doc. 53-8303; Filed, Sept. 28, 1953;  
8:49 a. m.]

## TITLE 12—BANKS AND BANKING

### Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the  
Federal Reserve System

[Reg. Q]

PART 217—PAYMENT OF INTEREST  
ON DEPOSITS

TIME DEPOSIT, OPEN ACCOUNT, WITH  
ALTERNATE MATURITIES

§ 217.107 *Time deposit, open account, with alternate maturities.* (a) An inquiry has been received by the Board as to whether the principle stated in § 217.105 (18 F. R. 4005) relating to "time certificates with alternate maturities" is applicable also in the case of a "time deposit, open account" as defined in paragraph (d) of § 217.1.

(b) By way of illustration, the inquiry cited a case in which, by the terms of the contract, the deposit would be payable at a stated maturity of 6 months from the date thereof with interest at a rate of 2½ percent, but with an option on the part of the depositor to withdraw all or part of the deposit at an earlier date either after 30 days' written notice with interest at a rate of 1 percent, or after 90 days' written notice with interest at a rate of 2 percent.

(c) It is the Board's view that such a deposit could properly be classified as a "time deposit, open account" and that the principle stated in § 217.105 with respect to time certificates of deposit would also be applicable to such a time deposit, open account; in other words, that the maximum permissible rate of interest would depend upon which of the alternate withdrawal privileges is elected by the depositor and the rate applicable under this part in the circumstances of the withdrawal privilege so elected. The application of this principle is not affected by the fact that the contract of deposit provides contemporaneous, alternative provisions for withdrawal prior to the stated maturity, either of which the depositor might exercise at his option.

(d) The Board is of the view also that, should the depositor withdraw only a part of the deposit pursuant to exercise of either the 30 days' or the 90 days' written notice provision, it would be permissible for the remainder of the original deposit to bear interest at the 2½ percent rate for the specified maturity of 6 months.

(Sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interprets or applies secs. 19, 24, 38 Stat. 270, 273,

as amended, sec. 8, 48 Stat. 163, as amended; 12 U. S. C. 264, 371, 371a, 371b, 461)

BOARD OF GOVERNORS OF THE  
FEDERAL RESERVE SYSTEM,  
[SEAL] S. R. CARPENTER,  
Secretary.

[F. R. Doc. 53-8280; Filed, Sept. 28, 1953;  
8:48 a. m.]

## TITLE 31—MONEY AND FINANCE: TREASURY

### Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt  
[1953 Dept. Circ. 922, Amdt. 1]

PART 334—OFFERING AND SPECIAL REGULATIONS GOVERNING TREASURY SAVINGS NOTES, SERIES B

WITHDRAWAL OF SERIES B NOTES

SEPTEMBER 25, 1953.

The sale of Treasury Savings Notes, Series B, offered under Department Circular No. 922, dated May 11, 1953, is hereby terminated at the close of business September 25, 1953. Applications placed in the mails addressed to a Federal Reserve Bank or Branch or the Treasurer of the United States, or authorizations to banking institutions by their customers requesting that applications be submitted on their behalf, and postmarked prior to seven o'clock p. m., e. d. s. t., on that date, and those received from depositaries qualified pursuant to the provisions of Treasury Department Circular No. 92, Revised, as amended, for which payment is made by credit before the close of business on that date in accordance with § 334.12 of Department Circular No. 922, will be considered as having been received before the sale of the notes terminated.

(Sec. 22, 49 Stat. 41, as amended; 31 U. S. C. 757c)

[SEAL] M. B. FOLSOM,  
Acting Secretary of the Treasury.

[F. R. Doc. 53-8375; Filed, Sept. 25, 1953;  
5:10 p. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter V—Department of the Army

Subchapter G—Procurement

PART 590—GENERAL PROVISIONS

SMALL PURCHASES PROCEDURE

Subpart G, consisting of §§ 590.700 through 590.705-13, is rescinded and the following substituted therefor:

SUBPART G—SMALL PURCHASES PROCEDURE

Sec.

590.700

590.701

590.702

590.703

590.704

590.705

590.706

590.707

Scope of subpart.

Definitions.

General explanation.

Methods of effecting small purchases.

Negotiation of small purchases.

Applicability to oversea commands.

Methods of consummating small purchases by negotiation.

Order and Voucher for Purchases of Supplies or Services Other Than Personal (DA Form 383).

Sec.

590.707-1

590.707-2

590.707-3

590.707-4

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590.707-8

590.707-9

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590.707-11

590.707-12

590.707-13

590.708

590.708-1

590.708-2

590.708-3

590.708-4

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590.708-7

590.708-8

590.709

Approval of the Comptroller General.

Use of Form 383 as a purchase order; general.

Use of Form 383 as a delivery order.

Use of Form 383 as a receiving and inspection report.

Use of Form 383 as a vendor's invoice.

Use of Form 383 as a voucher.

Use of Form 383b.

Use of Forms 383c and 383d.

Distribution of copies of Form 383.

General instructions.

Use of master mats.

Additional instructions.

Flow charts.

Small purchase procedure (Standard Form 44).

General.

Purpose of form.

Instructions for use.

Preparation.

Record of purchases for the ordering officer.

Check purpose method.

Forms; Standard Form 44.

Flow charts.

Imprest Fund.

AUTHORITY: §§ 590.700 to 590.709 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 161-161.

§ 590.700 *Scope of subpart.* (a) This subpart sets forth the small purchases procedure for the Army Establishment. It implements Subchapter A Chapter IV of this title generally rather than a specific part or section thereof.

(b) Nothing in this subpart authorizes the local purchase of any item if such authority has not otherwise already been granted. This subpart does not constitute a waiver of the requirement to requisition items through normal supply channels, nor to obtain mandatory items from the Federal Supply Schedules. It merely establishes procedures by which small purchases may be effected if the installation already has local purchase authority for the particular item.

§ 590.701 *Definitions.* For purposes of this subpart a small purchase is a purchase of supplies or services (other than personal) in an amount not exceeding \$1,000 (see section 2 (c) (3), Armed Services Procurement Act of 1947)

§ 590.702 *General explanation.* (a) With the realization that small purchases comprise a very large percentage (approximately 40 percent) of procurement actions and a very small percentage (less than 1 percent) of the total value, much attention has been centered on simplifying the small purchase procedure. It is believed that a clear understanding of the background and intent of this procedure is necessary for its intelligent use and maintenance of its simplicity. With the knowledge that for many years it has cost the Government more money to effect a very small purchase than the actual value of the purchase, Congressional and other governmental groups and the Department of the Army have been striving to reduce and, if possible, invert this situation.

(b) In order to accomplish this simplification, the Department of the Army, and in some cases, in conjunction with other departments, has established the



use of three procedures, namely, the use of DA Form 383 (Order and Voucher for Purchase of Supplies or Services Other Than Personal) Standard Form 44 (Purchase Order-Invoice-Voucher) and the imprest fund. These forms and procedures are so designed that proper utilization thereof will simplify the small purchase procedure and reduce administrative costs and workload. In addition to these three procedures, negotiated procurements may be made where deemed necessary by the contracting officer by the use of other approved purchase forms not specifically designed for small purchases.

(c) This subpart is to be considered as a general guide in the making of small purchases except where specific action is directed. It is anticipated that procedures at individual installations or commands will vary slightly according to local conditions and to meet specific situations. In this connection audits, inspections, requests for copies of purchase documents, completeness of contract files, and normal procurement safeguards in general must be considered with respect to the objectives to be attained. Only the minimum adequate protection should be established in the small purchase area. Any additions tend to increase the administrative costs and workload. The extent of such protection to the Government is a command decision at each successive echelon.

**§ 590.703 Methods of effecting small purchases.** Small purchases will be made by negotiation. Written determinations with respect to the method of effecting small purchases are not required, unless specifically directed in this subpart.

**§ 590.704 Negotiation of small purchases.** (a) (1) Section 2 (c) (3) Armed Services Procurement Act of 1947, authorizes the negotiation of purchases and contracts without advertising if the aggregate amount does not exceed \$1,000. Section 2 (c) (1) of the Armed Services Procurement Act of 1947, however, will be cited as authority to negotiate small purchase as defined in § 590.701 of this subpart, during a period of national emergency declared by the President or by Congress and when the Secretary has made a determination in accordance with § 402.201 of this title and § 592.201 of this subchapter to negotiate under section 2 (c) (1).

(2) The statement printed on DA Form 383 that the authority for its use in negotiation is section 2 (c) (3) Armed Services Procurement Act of 1947, is not applicable during the period of the National Emergency, therefore during such emergency, section 2 (c) (1) will be cited and DA Form 383 will be amended accordingly.

(b) Section 402.203 of this title and § 592.203 of this subchapter set forth requirements regarding the securing of adequate competition in purchases not exceeding \$1,000. However competition is not required in purchases of \$100 or less under the provisions of § 592.203-2 (b) of this subchapter if the price is known to be competitive.

(c) The notification of unsuccessful suppliers, required by § 592.150 of this subchapter is not required for small purchases made by negotiation.

(d) The written determination by the Contracting Officer as to the necessity for preaward survey required by § 590.357, is not required for small purchases made by negotiation.

(e) Statement of justification for negotiation, required by § 592.201-2 (d) of this subchapter is not required for small purchases made by negotiation.

(f) In requesting quotations (oral quotations are desirable) from vendors, all items in similar categories (such as, small hardware items, spare parts for vehicles, office supplies, etc.) may be grouped on the same purchase order and the lowest aggregate quotation rather than the lowest quotation on each item may be accepted. The vendor will be advised of this when he is requested to quote.

(g) The overriding consideration in small purchase procedure is to accomplish such procurement as economically, simply and expeditiously as practicable. Accordingly, administrative requirements not contained in Parts 400-414 of this title or Parts 590-603 of this subchapter for additional copies or wider distribution of small purchase contracts, or the addition of certificates with regard to the use or purpose of the items being purchased, required for accounting or other purposes, will not be observed by contracting officers. Any exception deemed necessary will be authorized in the future only through issuance of changes in Parts 590-603 of this subchapter.

**§ 590.705 Applicability to overseas commands.** (a) For the purpose of this subpart, overseas commands will be considered commands outside the continental limits of the United States.

(b) Since these small purchase procedures were designed primarily to meet conditions existing within the continental United States, they may have only limited applicability in overseas commands. In view of this, major overseas commanders are authorized to make such deviations in these procedures as may be deemed necessary to accomplish their procurement missions provided that such deviations do not result in violation of existing laws, Executive orders, decisions of the Comptroller General, or such other rules or regulations which would render the contract illegal.

**§ 590.706 Methods of consummating small purchases by negotiation.** Small purchasers effected by negotiation will be consummated by the use of one of the following methods:

(1) Imprest fund, use of Standard Form 1165 (Receipt for Cash-Sub-voucher)

(2) U. S. Government Purchase Order-Invoice-Voucher (Standard Form 44.)

(3) Order and Voucher for Purchase of Supplies or Services Other Than Personal (DA Form 383)

(4) Other appropriate authorized forms (see §§ 596.513, 596.514 and 596.515 of this subchapter).

**§ 590.707 Order and voucher for purchases of supplies or services other than personal (DA Form 383).** (a) The Order and Voucher for Purchase of Supplies of Services Other Than Personal (DA Form 383) is used for:

(1) Small purchases in an amount not exceeding \$1,000 (see section 2 (c) (3) Armed Services Procurement Act of 1947).

(2) Purchases in an amount not exceeding \$5,000 in those cases where authority exists to make procurement by negotiation (see section 2 (c) (1) of Armed Services Procurement Act and Decision of Comptroller General 8-45102 dated 26 July 1951).

(3) Payments will be made by check except that payment may be made in cash by an accountable disbursing officer in any amount for which the form is authorized.

(4) The purpose of the form is to effect such purchases in the simplest manner. It provides in one document a purchase (or delivery) order, a receiving and inspection report, a property voucher, and when supported by a vendor's invoice, a payment voucher. The use of this form and DA Form 383b (continuation sheet) according to the procedure herein will simplify purchasing procedure, will increase efficiency by simple actions, will effect economy in personnel and overhead, will reduce quantities of forms used and attendant paper work, and will expedite payments to vendors.

(b) Form 383 is comprised of the following parts: 383, part 1, 383c, parts 2 through 10; 383a is the reverse of all 10 parts. Form 383b (continuation sheet) is comprised of the following parts: 383b, part 1, 383d, parts 2 through 10. These forms are furnished as 10-part manifold forms, snap-out construction, and as master mats.

**§ 590.707-1 Approval of the Comptroller General.** The Comptroller General of the United States has authorized the use in the Department of the Army of DA Forms 383 and 383b (revised 1 July 1949) under the following conditions.

(a) These forms shall be limited to purchases which do not exceed \$5,000. (See § 590.707 (a) (1) and (2))

(b) Form 383 is used when one payment and one delivery is contemplated. However, in order to use the form to the maximum extent possible in the small purchase area, the Comptroller General has permitted the use of the form where four (4) additional payments do occur. Contracting Officers are therefore urged to take advantage of this provision and not to feel that the DA Form 383 should not be used if there is a possibility that the supplier will make more than one delivery and therefore more than one payment may be necessary. Multiple destinations are not considered to be "anticipating" more than one delivery.

**§ 590.707-2 Use of Form 383 as a purchase order; general.** Form 383 is authorized for use at stations, depots, and other procuring offices in procuring any supplies or services (other than personal) where:

(a) The amount of the purchase order does not exceed \$5,000, however, the

other provisions of Parts 400-414 of this title and 590-603 of this chapter apply where purchases are made in excess of \$1,000.

(b) Only one payment is initially expected to be made (see § 590.707-1 (b)). The number of deliveries is not limited.

(c) No special contract form is prescribed for the procurement.

§ 590.707-3 *Use of Form 382 as a delivery order* (a) This section does not imply that the use of call type contracts, charge accounts or consolidation of deliveries into one order is limited to \$1,000 during peace time or \$5,000 during the National Emergency. If the purchases made against such contracts are less than \$1,000 or \$5,000 (see § 590.707-2), DA Form 382 may be used.

(b) DA Form 383 is authorized for use in making purchases under contracts which provide that deliveries will be made upon call of Contracting Officers, where the aggregate amount of the delivery order does not exceed \$5,000.

(c) Monthly charge accounts: (1) Monthly charge accounts are authorized to be set up by Contracting Officers with vendors when experience has indicated, or when in the judgment of the Contracting Officer, numerous purchases of small amounts are likely to be made from the same vendor.

(2) It is the intent of the charge account procedure that it be used to parallel as closely as possible the use of charge accounts used by business concerns.

(3) A charge account method of doing business with vendors may be established, and accounts paid through the use of DA Form 383, provided the total orders placed during an agreed billing period do not exceed \$5,000. The charge account procedure necessarily requires the vendor's consent. This is not meant to limit the use of other authorized purchase order forms if the amount charged in any month exceeds \$5,000.

(4) Each separate order placed against a charge account must be placed after conduct of negotiation and justification appropriate to the action, except where the order is for \$100 or less, and price is known to be reasonably competitive.

(5) Receiving reports and/or inspection reports, as appropriate to the accounts of the consignee, will be prepared and copy furnished the Contracting Officer within 24 hours after receipt of each separate receipt of supplies or services.

(6) The separate receiving reports will be reconciled with the vendor's billing and will be retained in the Contracting Officer's file as a basis for his executing the Administrative Certificate on the face of the form when processing the periodic billing for payment.

(7) In order to avoid obligation of funds without knowledge of the fiscal officer, the following method may be used.

(i) The Purchasing and Contracting Officer may coordinate with the Fiscal Officer to estimate the amount of purchases to be made each month under each appropriation and project account.

(ii) The Fiscal Officer will record the estimated obligation and will give the

Purchasing and Contracting Officer the authority to purchase up to the amount of the obligation. The obligation will be by appropriation and project account.

(8) Each order placed against a charge account will be identified by a purchase order number. One number which is good for the duration of the billing period may be used.

(d) Consolidation of deliveries into one order: (1) One order may be accomplished at the end of the month or more often, if necessary, when the total amount approaches \$5,000, to cover previous deliveries against procurement methods such as, but not limited to, "open end," "Call type" or "term" contracts or charge accounts under the following conditions:

(i) When, in the judgment of the Contracting Officer, such action is more practical and economical than the making of separate delivery orders.

(ii) When the local Contracting Officer who issues the delivery order has made satisfactory arrangements with the vendor or his authorized representative.

Since the accumulation and consolidation of deliveries into one delivery order at the end of the month may result in a delayed payment, such action must be agreeable to the vendor.

(2) When such practice is to be followed, each delivery of supplies or services will be supported by a signed delivery ticket prepared in triplicate by the vendor. The following information will be shown on the delivery ticket:

(i) Name of contractor.

(ii) Contract number.

(iii) Nomenclature of supplies or services including stock number, part number, etc., as necessary for proper identification.

(iv) Quantity of supplies or services.

In the event that the vendor does not furnish a delivery ticket, the individual who receives the supplies will prepare DD Form 227 (Receiving Report) showing the essential information thereon.

(3) The quantity listed on the delivery ticket will be verified, exceptions noted, and three copies of the ticket will be dated and signed by the individual who is authorized to receive the items. Copies will be distributed as follows: Original to the accountable property officer, one copy to the Contracting Officer, and one copy to the vendor.

(4) The accountable property officer will voucher and post to the stock record account each delivery ticket covering supplies received. A basic voucher number will be assigned to each vendor and as deliveries are received during the current month the individual delivery ticket will be subvouchered against the basic voucher number established for the vendor concerned.

(5) The signed copy of the delivery tickets will be the basis for consolidating the deliveries and preparing one delivery order at the end of the month by the Contracting Officer. The vendor will be instructed to submit one invoice (4 copies) for the period concerned.

(6) The accomplishment and processing of DA Form 383 will be as prescribed in this procedure.

§ 590.707-4 *Use of Form 383 as a receiving and inspection report*. (a) Form 383 is designed for use as a tally-in, an inspection report, and a receiving report.

(b) When inspection and/or acceptance is to be other than at destination, the place of such inspection and/or acceptance will be shown in the "Supplies or Services" column on the form. (See clause 6 on reverse of Form 383.)

(c) Upon receipt of the items provided for in the order, the accountable property officer or authorized representative will complete the following on Form 383:

(1) Quantity accepted (face of form)

(2) Date received (reverse of form)

(3) Delivered by (reverse of form)

(4) Stock record account voucher number (reverse of form)

(5) Signature with grade and designation (reverse of form)

(6) Account serial number (reverse of form) and

(7) Date signed and signature (reverse of form)

The accountable property officer will request disposition instructions from the contracting officer for nonacceptable items and overages. Errors such as nomenclature stock number, etc., may be corrected manually.

(d) If inspection is made other than at destination, appropriate copies of Form 383 will be furnished to the inspection office. Accomplished inspection reports will be transmitted to the consignee unless otherwise indicated in each specific case by the Contracting Officer.

(e) Receiving reports will be accomplished within the time specified in paragraph 4, SR 715-55-6:

-----, a "target" of two work days and a "minimum service" of six calendar days are established for accomplishing receiving inspection and or acceptance of material and forwarding such reports to the reports indicating appropriate office administering the contract or to designated disbursing office when direct submission of the report is indicated. -----

§ 590.707-5 *Use of Form 383 as a vendor's invoice*. (a) Special care will be exercised to have each vendor follow the instructions on Form 383 regarding preparation of vendor's invoice.

(b) When it is desired to utilize Form 383 as vendor's invoice, the following certificate will be typed or stamped in the "Supplies or Services" column on the original copy for the General Accounting Office, copy for the Disbursing Officer, and copy for the Fiscal Officer: "I certify that the above bill is correct and just and that payment therefor has not been received." Only the original will be signed by the vendor.

§ 590.707-6 *Use of Form 383 as a voucher*—(a) *One payment*. Form 383 will be completed and processed as any other payment voucher.

(b) *More than one payment*. (1) Where more than one payment becomes necessary, original Form 383 will be completed for those supplies or services accepted and will be processed for payment in the normal manner.

(2) Subsequent payments not to exceed four may be made using one of the following methods:



(i) Prepare additional Forms 333 citing same order number as the original and indicating in the "Order No." block of the Form 333 the number of the partial shipment (i. e., 1st partial, 2nd partial, and 3rd and final). Prior to or at the time of processing original Form 333 (mentioned in subparagraph (1) of this paragraph) for payment, an additional Form 333 will be prepared, setting forth the balance of the undelivered supplies and distributed in the normal manner, except that no copy will be distributed to the vendor. The above procedure will be repeated until final delivery is received. A citation to the name of the Disbursing Officer, period of account, and Disbursing Officer's voucher number will be made to the original and subsequent vouchers on subsequent vouchers respectively. For example, first subsequent voucher will cite original voucher, second subsequent voucher will cite original voucher and first subsequent voucher, etc. Each voucher will be a complete transaction within itself and the cross reference will allow the General Accounting to reconcile the entire purchase.

(ii) Prepare Standard Form 1034 (Public Voucher for Purchases and Services other than Personal) with copy of Receiving Report (DD Form 227) covering partial delivery, attached thereto. The Standard Form 1034 will cite the same order number as the Form 333 and the number of the partial shipment (i. e., 1st partial, 2nd partial, and 3rd and final). The above procedure will be repeated until final delivery is received. A citation to the name of the Disbursing Officer, period of account, and Disbursing Officer's voucher number will be made to the original and subsequent vouchers on subsequent vouchers respectively. For example, first subsequent voucher will cite original voucher, second subsequent voucher will cite original voucher and first subsequent voucher, etc. Each voucher will be a complete transaction within itself and the cross reference will allow the General Accounting Office to reconcile the entire purchase.

(iii) Cash payments may be made using an accountable disbursing officer or by appointing a class A or B Agent officer (see § 590.707 (a) (3)).

§ 590.707-7 *Use of Form 333b.* (a) Form 333b is the continuation sheet for Form 333.

(b) It will be used when the space for the list of articles or services on Form 333 is not sufficient for the listing of all the supplies or services (other than personal) covered by the purchase.

(c) Appropriate copies will be attached securely to the corresponding copies of Form 333 and distribution will be accomplished with Form 333.

§ 590.707-8 *Use of Forms 333c and 333d.* (a) Form 333c (yellow) is the memorandum copy for Form 333. (Copies 2 through 10 are listed in § 590.707-9.)

(b) Form 333d (yellow) is the memorandum copy for Form 333b. (Copies 2 through 10 are listed in § 590.707-9.)

§ 590.707-9 *Distribution of copies of Form 333.* (a) The copies of Form 333 which are numbered 1, 2, 3, 4, 5, 6, 7, 8, 9,

and 10 at the bottom of the form, will be distributed as follows and as shown on the flow chart in § 590.707-13.

(1) *Copy 1 (original)* General Accounting Office (white)

(2) *Copy 2.* Finance Officer (yellow)

(3) *Copy 3.* Vendor (yellow).

(4) *Copy 4.* Contracting Officer (yellow)

(5) *Copy 5.* Fiscal Officer (yellow)

(6) *Copy 6.* Fiscal Officer (yellow)

(7) *Copy 7.* Accountable Property Officer (yellow)

(8) *Copy 8.* Receiving report (yellow)

(9) *Copy 9.* Army Audit Agency (yellow) This copy is not required by Army Audit Agency. However, pending a revision of the Form, it may be used in same manner as copy No. 10.

(10) *Copy 10.* Optional local use (yellow).

Additional copies of Forms 333c and 333d when authorized in each specific case by the appropriate Head of a Procuring Activity, will be prepared on yellow paper.

(b) Reference is made to the flow chart in § 590.707-13, which indicates the processing of the several copies of Form 333.

§ 590.707-10 *General instructions.* The following general instructions are applicable whether the form is used as a purchase order or as a delivery order:

(a) When it is certain that more than one payment or one delivery will be made, Form 333 will not be used, but the purchase will be effected by the use of other appropriate forms.

(b) Form 333 will not be given a contract number under any circumstances. The "order number" space provided is for such local identification as is necessary.

(c) (1) The contract clauses printed on the reverse of Form 333 and on Form 333a are no longer necessary and other clauses such as the Renegotiation Clause will not be inserted on the Form unless specifically required by this subpart.

(2) In the event additional contract clauses or deviations are required for specific purposes, prior approval for their use will be obtained from the Assistant Chief of Staff, G-4, Department of the Army, except as provided in § 590.705.

(d) The procedures of this subpart are deemed sufficient for all purchases accomplished by use of Form 333. In the event that additional forms or instructions are necessary for attachment to Forms 333, 333a, 333b, 333c, and 333d, prior approval will be secured from the Assistant Chief of Staff, G-4, Department of the Army, except as authorized elsewhere in this subpart. The attaching of vendor's invoices which are required for payment; specifications, drawings, packaging and marking instructions, and other similar data which are considered an adjunct or a part of the description of the supplies listed on the face of Form 333 or 333b are permissible without approval. Similarly, the attachment of foreign language translations for use of this form on foreign countries is authorized, provided both

the standard forms and the foreign language translations contain a statement that in the event of a disagreement in the text of the English and foreign translations, the English text will govern.

(e) Such supplemental operating procedures as may be necessary in connection with routing of copies of Form 333 by a purchasing office may be issued by that purchasing office if deemed essential. No additional supplemental operating or similar procedures or instructions other than those contained herein will be issued by Heads of Procuring Activities without prior approval of the Assistant Chief of Staff, G-4, Department of the Army, except as outlined in §§ 590.702 (c) and 590.705.

(f) Form 333 will not be utilized for the acceptance of bids after formal advertising.

(g) Supplemental agreements and change orders, other than notice of termination for default, may be issued in connection with a purchase made on Form 333.

(h) *Termination for default.* (1) If all of the supplies or services ordered on Form 333 are terminated for default, notice of termination for default to the vendor will be by letter and a copy of the letter will be filed with the original (white) copy in the Contracting Officer's file, and copy will be furnished each addressee on the original distribution list.

(2) If any or a part of the supplies or services ordered by use of Form 333 are terminated for default, notice of termination for default will be by letter, and a copy will be furnished to each addressee on the original distribution list.

(3) When the second attempt is made to procure the supplies, one of the following procedures will apply:

(i) If the price paid is less or not in excess of the price which was to have been paid under the contract which was terminated, the Form 333 covering the second procurement will be processed in the normal manner, and it is not necessary to refer to the terminated procurement document.

(ii) If the price exceeds that which would have been paid under the defaulted contract, the contracting officer will comply with the provisions of § 590.103-11.

(i) If the purchase is based on a written quotation, the original of the quotation will be processed with the original (white) of Form 335 to the General Accounting Office. (See § 590.707-13.)

(j) Overages and shortages in the quantities called for on an order may be accepted provided the aggregate amount of the order (including any accepted overages and shortages) does not exceed \$5,000. When any such overages or shortages are accepted, and adjustment of the total dollar amount for payment will be made in the "Differences" section of DA Forms 333 and 333c after the "Quantity Accepted" column has been completed.

(k) The Contracting Officer is responsible for obtaining from the Fiscal Officer a citation of the proper funds to be charged whenever in the opinion of the Contracting Officer, such action is

appropriate. The signature of the Contracting Officer on copy No. 1 of Form 383 will constitute the certification that funds are available under the appropriation and allotment cited in the accounting classification.

(1) Form 383 will not be used in making purchases when shipment of supplies are to be consigned to a water or aerial port of embarkation for transshipment to an overseas destination. In such instances, purchases will be accomplished by use of other appropriate purchase forms in conjunction with the Materiel Inspection and Receiving Report (Oversea) (DA AGO Form 604)

§ 590.707-11 *Use of master mats.* Installations which are unable to utilize the 10-part forms furnished may utilize master mats only after specific approval is obtained from the head of the procuring activity concerned. Such approval will be routed through The Adjutant General, ATTN: Army Publications Service Branch so that arrangements can be made to have an adequate stockage.

§ 590.707-12 *Additional instructions.* See § 590.512 of this subchapter.

§ 590.707-13 *Flow charts.* Flow charts indicating the processing of copies of DA Form 383 are set forth on charts I and II.

§ 590.708 *Small purchase procedure* (Standard Form 44)

§ 590.708-1 *General.* (a) This small purchase procedure is in addition to the procedure involving the use of DA Form 383 and the procedure involving imprest funds.

(b) It is incumbent upon the Contracting Officer to choose that method which best fits the requirements of any purchase. Individual purchases of \$25 or less will be made using the imprest fund, of the check procedures with the Standard Form 44 or DA Form 383. It is the duty of the purchasing officer to make use of the Form which will involve the least paper work and the least expense to the United States. Usually imprest funds or Form 44 will be used in local purchase; that is, within a radius of approximately 50 miles from the purchasing officer, but the use of these forms is not limited to such use.

(c) Standard Form 44 is authorized for use within and outside the continental limits of the United States.

(d) Standard Form 44 is a four-part form. However, based on a request from the Department of the Army the General Services Administration has granted permission to have Standard Form 44 printed as a five-part form in order to cover necessary Army distribution.

§ 590.708-2 *Purpose of form.* (a) Standard Form 44 (U. S. Government Purchase Order — Invoice — Voucher) which has been promulgated by the Administrator of General Services with the approval of the Comptroller General of

the United States, is authorized for accomplishing small purchases of supplies and services other than personal. The primary purpose of the form and the procedure for its use is to permit greater economy and convenience for both the Government and the vendor than that which results from the use of other procedures. It provides in one document a purchase order, a receiving report, a property voucher, and a payment voucher. It is intended for, but not limited to use in the following general categories of purchasing operations. For —

(1) Small purchases (particularly those less than \$10) where vendors are reluctant to honor small orders because of administrative and billing expenses.

(2) Purchasing from small merchants, farmers, truckers, or any other individual not equipped to bill sales in accordance with normal business practices and not well versed in dealing with the Federal Government.

(3) Emergency "over-the-counter" purchases, or where it is necessary to shop around to obtain the required quality or quantity.

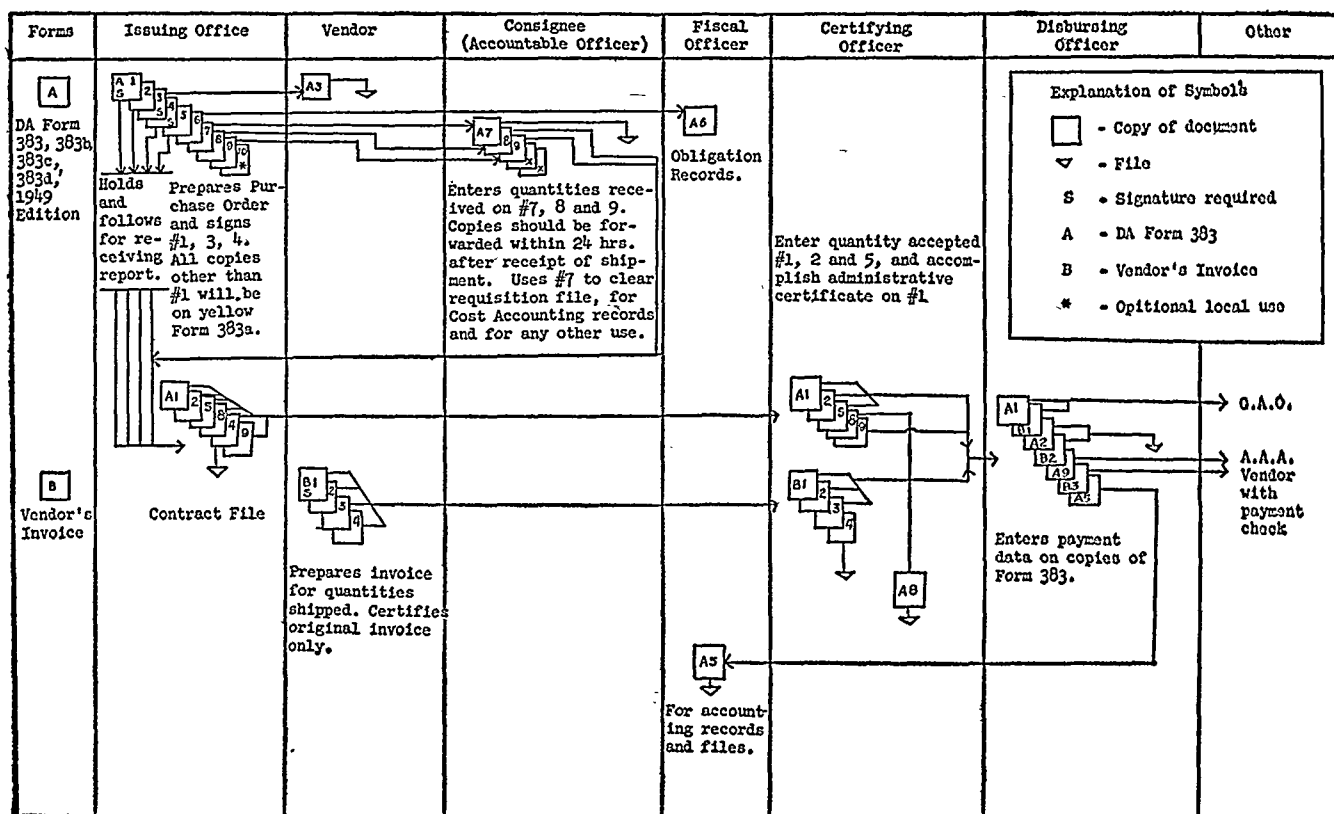
(4) Purchases made by authorized individuals while away from the purchasing office.

(5) Use at isolated stations or in any case where typewriting facilities are not available.

(6) Other transactions where its use will minimize paper work and administrative expense and act as an incentive for the seller to do business with the

CHART I

FLOW CHART FOR SMALL PURCHASE PROCEDURES (FORM 383)



NOTE: Where vouchers are certified in the Finance Office, copy #8 will be attached to original Form 383 and forwarded to General Accounting Office.

Government by simplifying purchasing and expediting payment.

(b) The only authorized payment method is by check unless payment is made by an accountable disbursing officer. The general instructions for use and preparation of the form are prescribed in §§ 590.708-3 and 590.708-4. Additional instructions are prescribed in § 590.708-8, which are applicable to the check purchase method.

§ 590.708-3 *Instructions for use.* (a) Purchases with this form will be accomplished by the ordering officer as indicated under the space by this designation on Standard Form 44. The ordering officer will be the contracting officer and/or other officers as may be designated by the commanding officer of the installation, if deemed to be practicable. For example, representatives of the post repair shop, post supply offices, organizational units, and other offices may be appointed as ordering officers to facilitate the accomplishment of such purchases for the user. The appointment of such ordering officers should define the scope and limitations of their authority, such as the supplies or services that may be purchased.

(b) All purchases under this procedure will be negotiated under the authority of section 2 (c) (1), Public Law 413, 80th Congress during the period of the National Emergency, otherwise the

authority will be under section 2 (c) (3), but the citation of this authority on Standard Form 44 is not necessary. Ordering officers will take advantage of competition whenever practicable to purchase supplies or services at the most favorable price to the Government, however, competition is not required in purchases of \$100 or less where the price is known to be reasonably competitive. In any case, the prices paid for supplies or services must be just and reasonable and not above the established price for the quantity of items involved.

(c) Standard Form 44 may be used for the purchase of supplies or services under the following conditions:

(1) The amount of the purchase order does not exceed \$1,000.

(2) Only one delivery and one payment will be made.

(3) No special contract form or clauses are necessary, except as provided in § 590.705.

(4) The items are authorized for purchase by the installation concerned.

(5) To order items from GSA stores, depots or the Federal Supply Schedules.

(d) The ordering officer will be responsible for assuring that funds have been made available in the estimate amount of the purchase contemplated, and for entering in the appropriate spaces, on Standard Form 44, the proper accounting classification to be charged. The signature of the ordering officer on

Standard Form 44 will constitute the certification that funds are available under the appropriation and allotment cited in the accounting classification. Where purchases occur frequently, the ordering officer may obtain a lump-sum certification of funds from the fiscal officer under each applicable allotment account for a specified period of time. The ordering officer will advise the fiscal officer before the close of each accounting month the amount of all purchases made on Standard Form 44 which have not been submitted to him for recording of the obligation (§ 590.708-6 (c)).

(e) The four-part form is printed in book form, with GSA instructions for use printed on the inside front cover. In case of conflict between the GSA instructions, and those contained in this subpart, the provisions of this subpart will govern:

§ 590.708-4 *Preparation.* (a) Ordering officers will execute Standard Form 44 in quintuplicate at the time of purchase. Entries will be made in the spaces, as outlined below, starting with the space "Date of order" and ending with the space "Appropriation, limitation, project or other accounting classification."

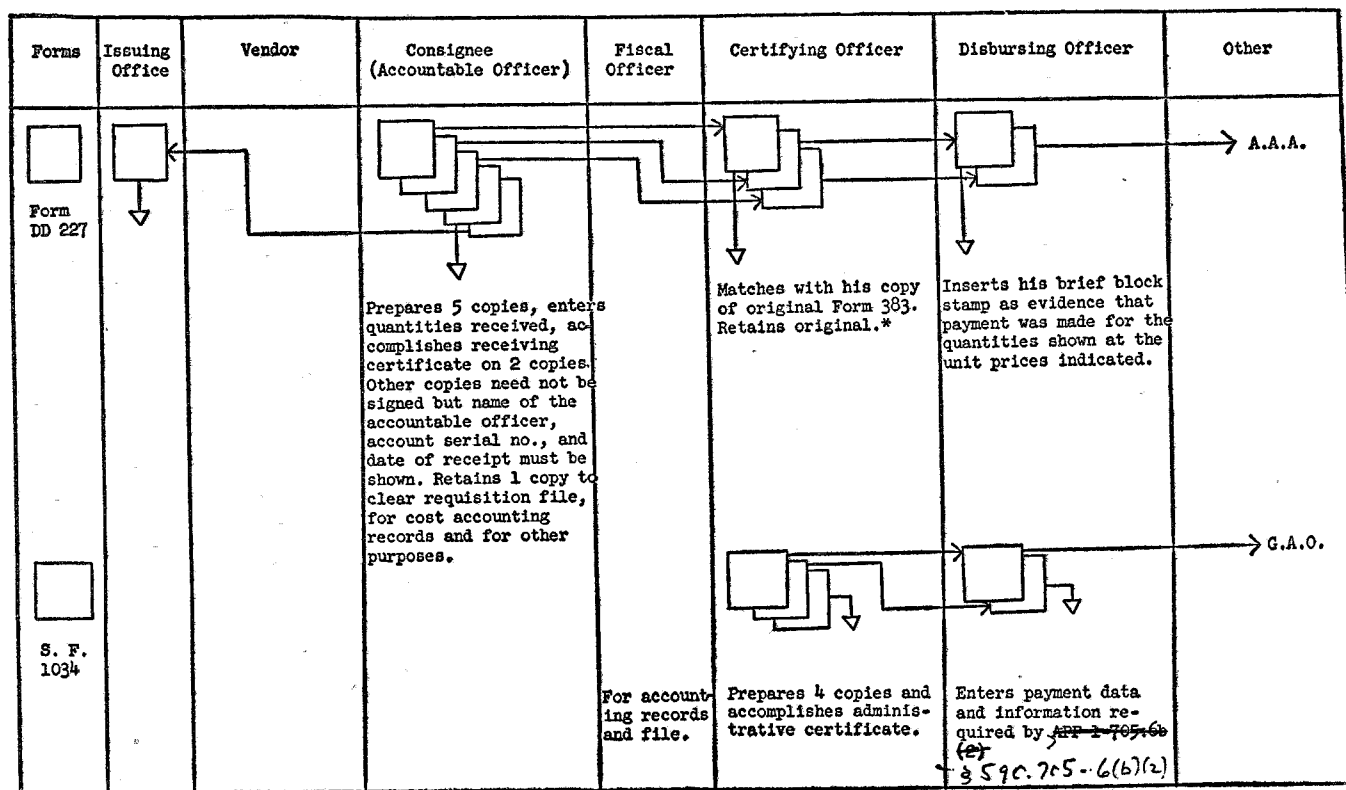
(b) Date of order—appropriate date will be noted.

(c) Following the name of the agency, "Department of the Army" and in the

#### CHART II

##### FLOW CHART FOR PARTIAL DELIVERIES AND PARTIAL PAYMENTS

For first payment Form 383 will be processed as indicated in Chart I. Subsequent payments will be processed as indicated below.



NOTE: When voucher is certified by Finance Office, original receiving reports, inspection reports, or similar supporting documents will be attached to the original voucher.

space "Mailing address," there will be inserted the name and address of the issuing office or organization.

**Example:**

Department of the Army,  
Ordnance Maintenance Shop,  
Camp Hood, Texas.

(d) In the spaces "Furnish to" and "Address," the name and address of the office organization that is to receive the item will be inserted.

(e) The columns headed "Quantity," "Item," and "Unit," will be filled in by the ordering officer. The column headed "Amount" and the spaces designated "Total" and "Discount" are to be filled in either by the seller or by the ordering officer prior to the form being signed by the ordering officer.

(f) The space "Purpose" may be left blank. The complete accounting classification which is to be charged will be inserted in the space "Appropriation, limitation, project, or other accounting classification."

(g) The signature of the seller must be obtained in the space for certification of the bill.

(h) The signature and title of the ordering officer should be inserted in the space "Ordered by."

(i) All copies of the form must be legible. If the form is to be prepared with a pencil, and indelible pencil should be used. If a plain pen instead of a ball-point pen is used, caution should be taken to see that the writing shows on all copies.

(j) The business or trade name and address of the seller must be printed in the space provided in order to facilitate payment.

(k) The signature of the authorized certifying officer will be inserted in the designated space after the supplies or services have been received, the receiving section of the form has been executed and all other entries have been made for payment of the bill.

§ 590.708-5 *Record of purchases for the ordering officer* The ordering officer will maintain a record of purchases for his own use.

§ 590.708-6 *Check purchase method.* (Additional instructions for use when payment is to be made with check by disbursing officer)

(a) When delivery is made to the ordering officer, the section showing receipt of the items will be accomplished by him on appropriate copies.

(b) When delivery is to be made to anyone other than the ordering officer, the copies of Standard Form 44 will be forwarded to the individual authorized to receive the supplies or services for accomplishment of the receiving section and for obtaining the vendor's signature on copy No. 1 (Seller's Invoice) for certification of the bill. After accomplishment of these sections, copy No. 2 (Seller's Copy of Invoice) will be given to the vendor. Copy No. 4 (Memorandum

Copy) will be forwarded to the appropriate property officer; copy No. 1, Copy No. 3 (Receiving Report—Accounting Copy) and copy No. 5 (Additional Copy) will be returned to the ordering officer for processing as a voucher.

(c) For the obligation of funds, all vouchers will be transmitted through the fiscal officer to the disbursing officer. See § 590.708-8 for the illustration of the flow of documents.

(d) The disbursing officer will place the order number(s) of Standard Form 44 on the check so that the vendor may identify the transaction.

(e) When Standard Form 1034—Revised (Public Voucher for Purchases and Services Other Than Personal) is not used as a voucher, distribution of copies of Standard Form 44 is as follows (Chart III)

(1) *Copy No. 1 (Original) Seller's Invoice.* Disbursing officer and General Accounting Office.

(2) *Copy No. 2, Seller's Copy of Invoice.* Vendor.

(3) *Copy No. 3, Receiving Report—Accounting Copy.* Disbursing officer.

(4) *Copy No. 4, Memorandum Copy.* Property officer.

(5) *Copy No. 5, Additional Copy.* Fiscal officer.

(f) When Standard Form 1034 is used as a voucher:

(1) Standard Form 1034 should be prepared as a voucher with Standard Form 44 attached as subvoucher in any one of the following circumstances. When—

(i) The name and address of the vendor on Standard Form 44 are not clearly legible.

(ii) The amount to be paid the vendor is less than the invoiced amount, apart from the discount deduction, Standard Form 1034 will be used, showing thereon the number of the attached order so that information with respect to the differences may be forwarded to the vendor with the check, attached to Standard Form 1034.

(iii) More than one seller's invoice from the same seller are ready for payment, all such invoices should be consolidated and vouchered on a single Standard Form 1034, indicating thereon the order number of each of the seller's invoices attached so that all may be paid by a single check.

(2) The signature of the authorized certifying officer on Standard Form 1034 will be sufficient in lieu of such signature on each Standard Form 44 that is attached as a subvoucher.

(3) Distribution of copies of Standard Form 1034 (Chart IV)

(i) *Copy No. 1 original (with Seller's invoice (copy No. 1) Standard Form 44, attached as a subvoucher)* Disbursing officer and General Accounting Office.

(ii) *Copy No. 2 (with Receiving Report—Accounting (copy No. 3), Standard*

*Form 44, attached as a subvoucher)* Disbursing officer.

(iii) *Copy No. 3 (with copy No. 5 (Additional Copy) of Standard Form 44, attached as a subvoucher)* Disbursing officer and fiscal officer.

(iv) *Copy No. 4.* Ordering officer.

(v) *Copy No. 5.* Disbursing officer (attaching voucher) and vendor.

(4) Distribution of copies of Standard Form 44 (Chart IV)

(i) *Copy No. 1, original, Seller's Invoice (attached as subvoucher to Standard Form 1034)* Disbursing officer and General Accounting Office.

(ii) *Copy No. 2, Seller's Copy of Invoice.* Vendor.

(iii) *Copy No. 3, Receiving Report; Accounting Copy (attached as a subvoucher to Standard Form 1034)* Disbursing officer.

(iv) *Copy No. 4, Memorandum Copy.* Property Officer.

(v) *Copy No. 5, Additional Copy (attached as a subvoucher to Standard Form 1034)* Fiscal officer.

(g) Consolidation of seller's invoices from the same vendor on one monthly voucher. (See § 590.707-3.)

(1) When ordering officers anticipate making more than one purchase from the same vendor during a month, the accomplished copies of Standard Form 44 (copies No. 1 and 3) may be held until the end of the month for consolidating the invoices and preparing one voucher, Standard Form 1034, for payment of the vendor. However, action should be taken by the ordering officer to see that such a practice is satisfactory to the vendor in order to avoid complaints on delayed payments (§ 590.708-6 (f) (1) (iii))

(2) When "time payment" discounts are stated on Standard Form 44, the appropriate copies will be processed for payment without delay in order to take advantage of the discount.

§ 590.708-7 *Forms; Standard Form 44.* (a) Standard Form 44 is printed as a carbon interleaved form, five sheets per set.

(b) The requisition and issue of blank forms will be made by one office at each installation for control purposes. Requisitions will be submitted to the appropriate Adjutant General's publications depot for the necessary forms. Issues of blank forms will be made only to authorized ordering officers.

§ 590.708-8 *Flow charts.* (See Charts III and IV)

§ 590.709 *Imprest Fund.* (a) The Imprest Fund is the method preferred for accomplishing small purchases when cash payment is contemplated. It is the only authorized cash small purchase procedure, except for cash payments by Accountable Disbursing Officers.

(b) The Imprest Fund may be used to pay for items listed on the Federal Supply Schedules if the vendor concurs.

CHART III

CHECK PURCHASE METHOD, STANDARD FORM 44 (WHEN STANDARD FORM 1034, REVISED, IS NOT USED AS A VOUCHER)

Forms	Ordering Officer	Vendor	Property Officer	Fiscal Officer	Disturbing Officer	G.I.O.	
Standard Form 44	1			1	1	1	Explanation of Symbols: ▽ File □ Copy of Document
U.S. Govt Purchase Order	2	2					
Invoice-Voucher	3			3	3		
	4		4				
	5 (Addtl Cpy)			5	5		

CHART IV

CHECK PURCHASE METHOD, STANDARD FORM 44 (WHEN STANDARD FORM 1034, REVISED, IS USED AS A VOUCHER) (WITH STANDARD FORM 44 ATTACHED AS A SUBVOUCHER)

Forms	Ordering Officer	Vendor	Property Officer	Fiscal Officer	Disturbing Officer	G.I.O.	
Standard Form 44	1			1	1	1	Explanation of Symbols: ▽ File □ Copy of Document
U.S. Govt Purchase Order	2	2					
Invoice-Voucher	3			3	3		
	4		4				
	5 (Addtl Cpy)			5	5		
Standard Form 1034-Rev.	1			1	1	1	1. Attached as a subvoucher to Copy 1 of Std Form 1034-Rev. 2. Attached as a subvoucher to Copy 2 of Std Form 1034-Rev. 3. Attached as subvoucher to Copy 3 of Std Form 1034-Rev. 4. Std Form 1034-Rev. is prepared and processed once a month or more often if necessary. (See Notice) 5. Copy 3 prepared only in case of difference
Public Voucher for Purchases and Services other than	2			2	2	2	
	3			3	3	3	
	4			4	4	4	
	5			5	5	5	

[SEAL]

WILL E. BENGHT,

Major General, USA, The Adjutant General.

[F. R. Doc. 53-8262; Filed, Sept. 28, 1953; 8:45 a. m.]

## TITLE 41—PUBLIC CONTRACTS

## Chapter III—Committee on Purchases of Blind-Made Products

PART 301—PURCHASES OF BLIND-MADE PRODUCTS  
CLEARANCES

**§301.5 Clearances.** (a) The Federal Supply Service may grant to any ordering office a clearance to purchase from commercial sources any item listed in the Schedule when the Federal Supply Service determines that a clearance is necessary to meet emergency requirements. Two copies of any such clearance issued, together with a statement as to the emergency involved, will be sent by the Federal Supply Service to

National Industries within thirty days after issuance thereof.

(b) Any ordering office may purchase from commercial sources any item or items listed in the Schedule to meet requirements (1) of military necessity which require delivery within two weeks; or, (2) that total twenty-five dollars (\$25.00) or less; or, (3) that are for use outside the continental United States.

(c) Whenever an ordering office has requested an allocation from National Industries and in reply has been furnished with a statement by National Industries listing items that none of the agencies for the blind can furnish within the period specified in the request for an allocation the ordering office may purchase the items, and quantities thereof, listed in the statement from commercial

sources, provided that purchase action to secure such items is instituted within 30 days from the date of the statement by National Industries or within such further period as may be indicated in the statement by National Industries.

(Sec. 2, 52 Stat. 1196; 41 U. S. C. 47)

ROBT. LEFEVRE,  
Secretary, Committee on Purchases of Blind-made Products.

[F. R. Doc. 53-8301; Filed, Sept. 23, 1953; 8:48 a. m.]

## TITLE 32A—NATIONAL DEFENSE, APPENDIX

## Chapter XIV—General Services Administration

[Amdt. 2]

## REG. 8—BERYL REGULATION: PURCHASE PROGRAM FOR DOMESTICALLY PRODUCED BERYL ORE

## MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F. R. 4939) this regulation, as amended, is further amended as follows:

1. In section 2, delete, in its entirety, paragraph (a).

2. In section 2, delete the paragraph designation "(b)".

3. In section 3, delete the date "June 30, 1955" and in lieu thereof substitute the following: "June 30, 1957"

(Sec. 704, 64 Stat. 816, as amended, Pub. Law 85, 83d Cong.; 50 U. S. C. App. Sup. 2154; Pub. Law 206, 83d Cong.)

All other provisions of this regulation remain in full force and effect.

This amendment is effective immediately.

Dated: September 24, 1953.

EDMUND F. MANSURE,  
Administrator

[F. R. Doc. 53-8344; Filed, Sept. 25, 1953; 2:57 p. m.]

## Chapter XXI—Defense Rental Areas Division, Office of Defense Mobilization

[Rent Regulation 1, Amdt. 159 to Schedule A]

[Rent Regulation 2, Amdt. 157 to Schedule A]

## RR 1—HOUSING

## RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS  
OHIO

Effective September 25, 1953, Rent Regulation 1 and Rent Regulation 2 are amended so that the item of Schedule A indicated below reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1834)

Issued this 21st day of September 1953.

GLENWOOD J. SHERRARD,  
Director,  
Defense Rental Areas Division.



State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
<i>Ohio</i> (236a) Portsmouth-Chillicothe.	B C A	SCIOTO COUNTY, except the townships of Brush Creek, Madison, Rarden, and Vernon. do. In SCIOTO COUNTY, the townships of Brush Creek, Madison, Rarden and Vernon; and PIKE COUNTY.	Jan. 1, 1946 Aug. 1, 1952 do.	Oct. 1, 1946 Nov. 6, 1952 Do.

This amendment decontrols a part of the Portsmouth-Chillicothe Defense Rental Area on the initiative of the Director, Defense Rental Areas Division, Office of Defense Mobilization, under section 204 (c) of the act.

[F. R. Doc. 53-8343; Filed, Sept. 25, 1953; 1:08 p. m.]

## TITLE 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

#### Subchapter A—General Rules and Regulations

[S. O. 887, Amdt. 4]

#### PART 95—CAR SERVICE

##### SUBSTITUTION OF REFRIGERATOR CARS FOR BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of September A. D. 1953.

Upon further consideration of Service Order No. 887 (17 F. R. 5954, 9777· 18 F. R. 1858, 3734), and good cause appearing therefore: It is ordered, that:

Section 95.887 *Substitution of refrigerator cars for box cars* of Service Order No. 887, be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This section shall expire at 11:59 p. m., December 31, 1953, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., September 30, 1953; that a copy of this order and direction be served upon each State railroad regulatory body and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W LAIRD,  
Acting Secretary.

[F. R. Doc. 53-8319; Filed, Sept. 28, 1953; 8:52 a. m.]

[S. O. 873, Amdt. 7]

#### PART 95—CAR SERVICE

##### CONTROL OF TANK CARS; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of September A. D. 1953.

Upon further consideration of the provisions of Service Order No. 873 (16 F. R. 1131, 7359· 17 F. R. 482, 6558; 18 F. R. 473, 2235, 3733) and good cause appearing therefor: It is ordered, that:

Section 95.873 *Control of tank cars; appointment of agent* of Service Order No. 873 be, and it is hereby, amended by substituting the following paragraph (e) hereof for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11. 59 p. m., December 31, 1953, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11. 59 p. m., September 30, 1953, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W LAIRD,  
Acting Secretary.

[F. R. Doc. 53-8320; Filed, Sept. 28, 1953; 8: 52 a. m.]

[S. O. 869, Amdt. 9]

#### PART 95—CAR SERVICE

##### USE OF REFRIGERATOR CARS FOR CERTAIN COMMODITIES PROHIBITED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of September A. D. 1953.

Upon further consideration of Service Order No. 869 (15 F. R. 8824, 9109; 16 F. R. 2040, 3619, 10994, 17 F. R. 2765, 8582; 18 F. R. 1858, 3733), and good cause appearing therefor: It is ordered, that:

Section 95.869 *Use of refrigerator cars for certain commodities prohibited* of Service Order No. 869 be, and it is hereby amended by substituting the following paragraph (f) hereof for paragraph (f) thereof.

(f) *Expiration date.* This section shall expire at 11:59 p. m., December 31, 1953, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., September 30, 1953, and that a copy of this order and direction shall be served upon the State railroad regulatory body of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W LAIRD,  
Acting Secretary.

[F. R. Doc. 53-8321; Filed, Sept. 28, 1953; 8:52 a. m.]

[Rev. S. O. 866, Amdt. 10]

#### PART 95—CAR SERVICE

##### RAILROAD OPERATING REGULATIONS FOR FREIGHT CAR MOVEMENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of September A. D. 1953.

Upon further consideration of the provisions of Revised Service Order No. 866 (15 F. R. 6198, 6256, 6573; 16 F. R. 2894, 13102; 17 F. R. 2765, 3458, 4949; 18 F. R. 1858, 2084, 3172, 3733, 4503), and good cause appearing therefor: It is ordered, that:

Section 95.866 *Railroad operating regulations for freight car movement* of Revised Service Order No. 866 be, and it is hereby, amended by substituting the following paragraph (e) hereof for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., December 31, 1953, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., September 30, 1953; that a copy of this order and direction be served upon the Association of American Rail-

roads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,  
Acting Secretary.

[F. R. Doc. 53-8322; Filed, Sept. 28, 1953;  
8:53 a. m.]

#### Subchapter B—Carriers by Motor Vehicles

[Ex Parte MC-40]

#### PART 193—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

##### LIQUID FUEL TANK REQUIREMENTS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 22d day of September A. D. 1953.

The matter of parts and accessories necessary for safe operation under the motor carrier safety regulations prescribed by order dated April 14, 1952, and effective July 1, 1952, as subsequently modified, being under consideration; and

It appearing, that further investigation has established facts which necessitate a postponement of the effective date of certain paragraphs of § 193.65 involving fuel tanks and containers, and good cause appearing therefor:

It is ordered, That § 193.65 (e) (2) and (3) be amended as follows:

1. Amend § 193.65 (e) (2) by substituting "November 30, 1953" in both instances where "September 30, 1953" now appears.

2. Amend § 193.65 (e) (3) by substituting "November 30, 1953" in both instances where "September 30, 1953" now appears.

It is further ordered, That this order shall be effective on the date hereof and shall continue in effect until the further order of the Commission.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of The Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission.

[SEAL] GEORGE W. LAIRD,  
Acting Secretary.

[F. R. Doc. 53-8323; Filed, Sept. 28, 1953;  
8:53 a. m.]

## TITLE 50—WILDLIFE

### Chapter I—Fish and Wildlife Service, Department of the Interior

#### Subchapter C—Management of Wildlife Conservation Areas

##### PART 33—CENTRAL REGION

#### SUBPART—UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE, ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

##### HUNTING

*Basis and purpose.* On the basis of observations and reports of field representatives of the Fish and Wildlife Service, it has been determined that existing regulations relating to the hunting of upland game birds and game animals on the Upper Mississippi River Wild Life

and Fish Refuge can be liberalized without interfering with the utility of the refuge for its primary purpose.

Since the following regulations are relaxations of existing restrictions applicable to the Upper Mississippi River Wild Life and Fish Refuge, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001, et seq.)

Effective on the date of publication of this document in the FEDERAL REGISTER, § 33.274 is revised to read as follows:

§ 33.274 *Hunting permitted.* (a) The hunting of upland game birds and game animals as defined by applicable State laws, and migratory waterfowl, is permitted within the refuge as follows:

(1) All hunting is prohibited during the migratory waterfowl hunting season on the closed areas defined in § 33.275.

(2) The hunting of upland game birds and mammals on the closed areas defined in § 33.275 is permitted from the first day after the close of the migratory waterfowl hunting season until December 31 of each year.

(3) The hunting of upland game birds and mammals is permitted on all lands of the refuge other than the closed areas defined in § 33.275 from the first day of the migratory waterfowl hunting season until December 31 of each year.

(b) All hunting shall be in conformity with the regulations made under the Migratory Bird Treaty Act and the Upper Mississippi River Wild Life and Fish Refuge Act and the laws and regulations of the respective States not inconsistent therewith.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 7151)

Dated: September 22, 1953.

O. H. JOHNSON,  
Acting Director.

[F. R. Doc. 53-8279; Filed, Sept. 23, 1953;  
8:45 a. m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF STATE

#### International Claims Commission

#### [ 22 CFR Parts 300, 301, 302 ]

[Pub. Notice 129]

#### RULES OF PRACTICE AND PROCEDURE

##### NOTICE OF PROPOSED RULE MAKING

SEPTEMBER 23, 1953.

Pursuant to the International Claims Settlement Act of 1949 (64 Stat. 12; 22 U. S. C. secs., 1621 ff.) and to section 4 of the Administrative Procedure Act of 1946 (60 Stat. 238; 5 U. S. C. 1003) notice is hereby given of intention to revoke Parts 300, 301, and 302 of Title 22, Code of Federal Regulations, and to issue in lieu thereof general rules of practice and procedure before the International Claims Commission of the United States. The proposed rules are set forth below.

Interested persons are hereby given an opportunity to submit their views and other relevant information with respect

to the proposed rules in writing to the International Claims Commission of the United States, Department of State, Washington 25, D. C., within thirty days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

After due consideration of any such communications received, the Commission will further publish in the FEDERAL REGISTER such revised rules if and as finally adopted, with notice of their effective date, until which date the present rules will continue in effect.

#### PART 300—RULES OF PRACTICE AND PROCEDURE

##### Sec.

- 300.1 Business hours.
- 300.2 Definitions.
- 300.3 Appearance and practice before the Commission.
- 300.4 Filing of claims.
- 300.5 Procedure for determination of claims.
- 300.6 Hearings.
- 300.7 Service.

§ 300.1 *Business hours.* The principal office of the Commission at Washington, D. C., is open each business day, except Saturdays, from 8:45 a. m. to 5:30 p. m.

§ 300.2 *Definitions.* Terms specifically defined in the International Claims Settlement Act of 1949, as amended, shall have the same meaning when used in this part.

§ 300.3 *Appearance and practice before the Commission.* (a) An individual may appear in his own behalf; a member of a partnership may represent it; a bona fide officer of a corporation, trust or association may represent the same.

(b) A person may be represented by an attorney at law admitted to practice before the Supreme Court of the United States, the highest court of any State or Territory of the United States, or the United States Court of Appeals for the District of Columbia Circuit.

(c) A person may not be represented before the Commission except as author-

ized in paragraphs (a) and (b) of this section.

(d) Any person appearing for another before or transacting business with the Commission shall file a power of attorney showing his authority so to act.

(e) The Commission may disqualify, and deny, temporarily or permanently, the privilege of appearing or practicing before it in any way to any person who is found after hearing in the matter.

(1) Not to possess the requisite qualifications to represent others before the Commission; or

(2) To be lacking in character or integrity or to have engaged in unethical or improper professional conduct; or

(3) To have violated section 4 (f) of the International Claims Settlement Act.

(f) Contemptuous or contumacious conduct at any hearing shall be ground for exclusion from said hearing and for summary suspension without a hearing for the duration of the hearing.

§ 300.4 *Filing of claims*—(a) *Form and content.* Claims filed with the Commission shall be in writing, the original signed and verified by the claimant, with two copies thereof, and an original and two copies of all accompanying exhibits; shall cite the claims agreement or convention under which, and the foreign government against which, the claim is urged; and shall contain a concise statement of the facts upon which the claim is based, including the following:

(1) Name and address of the claimant.

(2) (Individual) Date and place of birth.

(3) (Corporation) State or county under whose laws the corporation was organized.

(4) The manner (birth, marriage, naturalization, etc.) by which and the date when claimant, if an individual, became a national of the United States and whether such nationality was ever lost.

(5) Whether claimant was the owner of the property or of any rights and interests in and with respect to the property, on the date of nationalization or other taking.

(6) Statement as to the manner by which claimant acquired the property or rights and interests in and with respect to the property taken, including the consideration paid therefor or the valuation thereof, at the time of acquisition.

(7) Description, identification, nature and extent of ownership.

(8) Statement as to the manner by which the property or rights and interests in and with respect to property was nationalized or otherwise taken.

(9) The date of nationalization or other taking.

(10) Valuation at the time of nationalization or other taking.

(11) Whether claimant has previously filed a claim with respect to the same subject matter or a related claim with any foreign government, and if so, the disposition or status of such claim.

(12) Whether claimant has sought, received, or has any reason to expect to receive, any benefits, pecuniary or otherwise, other than any award that may be

made upon the claim being filed, on account of the loss resulting from the nationalization or other taking referred to in the claim, setting forth the details.

(13) The amount of the claim.

(b) *Exhibits and documents in support of claim.* (1) If available, such exhibits and documents shall be filed with and at the same time as the claim, and shall, wherever possible, be in the form of original documents, or copies of originals certified as such by their public or other official custodian.

(2) Where claimant desires that the Commission obtain, through the foreign government concerned, evidence, including certified copies of books, records, or other documents, as may be necessary or appropriate to support its claim, it shall include in the statement of claim a request therefor and the following information with reference thereto:—

(i) A justification of the relevancy or materiality of the information or documents requested;

(ii) An explanation of why same is not in claimant's possession or is not otherwise obtainable by him;

(iii) Where same is located;

(iv) Names or other identification and locations of witnesses to be questioned, with description of their probable testimony.

(3) Upon good cause shown, the Commission may, subsequent to the filing of the claim, grant a request to obtain evidence such as described in subparagraph (2) of this paragraph.

(c) *Documents in foreign language.* Every document, exhibit or paper filed in a claims proceeding, which is written or printed in a language other than English, shall be accompanied by an English translation thereof duly verified under oath by its translator, with his name and address, to be a true and accurate translation thereof, with an extra copy of such translation to accompany each copy of such document.

(d) *Time for filing.* Claims shall be filed with the Commission on or before June 30, 1951, where based on the Yugoslav Claims Agreement of 1948, or by August 4, 1952, where based on the Claims Convention with Panama, effective October 11, 1950. The Commission may, in its discretion, and for good cause shown, grant an extension of time for filing a claim in any particular case.

(e) *Acknowledgment and docketing.* The Commission will acknowledge the receipt of a claim in writing and will notify the claimant of the docket number assigned to it, which shall be used on all further correspondence and papers filed with regard to it.

(f) *Preparation of papers.* All claims, briefs, and memoranda filed shall be typewritten or printed and, if typewritten, shall be on legal size paper.

§ 300.5 *Procedure for determination of claims.* (a) The Commission may of its own motion order a hearing upon any claim, specifying the questions to which it shall be limited.

(b) Without previous hearing, the Commission may issue a proposed decision in determination of a claim.

(c) Where such proposed decision denies the claim in whole or in part,

claimant may within thirty days of service thereof file objections to such denial, assigning the errors relied upon, with accompanying brief in support thereof, and may request a hearing on the claim, specifying whether for the taking of evidence, or only for the hearing of oral argument, upon the errors assigned.

(d) Within fifteen days after receipt of notice of any proposed decision issued as provided in paragraph (b) of this section, the foreign government concerned may notify the Commission in Washington, or through the diplomatic representative of the United States in the country concerned, of its intention to file a brief as amicus curiae with respect to the claim, and may then file such brief within thirty days after such notice.

(e) Upon the expiration of thirty days after such service or receipt of notice, if no objection under paragraph (c) of this section nor notice of intention under paragraph (d) of this section, has in the meantime been filed, such proposed decision shall by further order of the Commission become its final determination and decision upon the claim.

(f) If any such objections or brief have in the meantime been filed, but no hearing requested, the Commission may, after due consideration thereof, affirm or modify its proposed decision as its final decision and determination of the claim, or as its further proposed decision, or may of its own motion order hearing thereon, specifying whether for the taking of evidence and on what questions or only for the hearing of oral argument or the receipt of further briefs or both.

(g) Within five days, or such longer time as the Commission may grant, after the conclusion of a hearing, whether held at claimant's request or on the Commission's own motion, the claimant may, unless it has waived same in the meantime, submit requested findings and conclusions of law, with appropriate supporting references to the record, and supporting brief; and the foreign government concerned may, within the same time, file brief as amicus curiae with regard to the claim.

(h) After the conclusion of a hearing, upon the expiration of any time allowed for the filing of requested findings and briefs under paragraph (g) of this section, or upon such filing or waiver thereof meantime, the Commission may proceed to final decision and determination of the claim.

§ 300.6 *Hearings.* (a) Hearings, whether upon the Commission's own motion or upon request of claimant, shall be held upon fifteen days' notice of the time and place thereof and of the questions to which limited, to the claimant and to the foreign government concerned, or sooner upon consent by the claimant and notice thereof to the foreign government concerned.

(b) Such hearings shall be open to the public unless otherwise requested by claimant and ordered by the Commission.

(c) Such hearings shall be conducted by the Commission or a member thereof, presiding. Oral testimony and documentary evidence, including depositions that may have been taken as provided by statute, may be offered in evidence on

claimant's behalf, or by counsel for the Commission designated by it to represent the public interest opposed to the allowance of any unjust or unfounded claim or portion thereof; and either may cross-examine as to evidence offered through witnesses on behalf of the other. Objections to the admission of any such evidence shall be ruled upon by the presiding officer.

(d) The claimant shall be the moving party, and shall have the burden of proof on all issues involved in the determination of its claim.

(e) Hearings shall be stenographically reported by a reporter designated by the Commission and a transcript thereof shall be part of the record. Where the hearing is ordered at claimant's request, the cost of such reporting and transcription may be charged to and deducted from any award made in its favor. Where ordered at the Commission's own

motion, such costs shall be borne by the Commission.

(f) Witness fees and mileage, in connection with attendance upon hearings or upon the taking of depositions, and fees of persons taking depositions, to the extent authorized by statute and not already covered by deposits made against the same under paragraph (g) of this section, shall be charged to and deducted from any award made in favor of the party at whose instance the witness appears or the deposition is taken.

(g) Before issuing a subpoena or ordering the taking of a deposition at the instance of a claimant, the Commission will require the deposit of an amount adequate to cover the estimated total of fees and mileage involved.

§ 300.7 *Service.* (a) Service of notices required under this part to be furnished to claimants may be accom-

plished by mailing to it or to its counsel of record, at their last address of record, by registered mail, return receipt requested, copy of the matter to be noticed; and the date of such service shall be that of acknowledgment of its receipt by such return receipt.

(b) The requirement of notice may also be satisfied by waiver or acknowledgment of same signed by claimant personally or by its representative or counsel of record.

Dated at Washington, D. C., September 23, 1953.

By the Commission:

[SEAL] H. B. TEEGARDEN,  
*Acting Chairman.*  
GEORGE W. SPANGLER,  
*Acting Commissioner.*

[F. R. Doc. 53-8300; Filed, Sept. 23, 1953; 8:48 a. m.]

## NOTICES

### DEPARTMENT OF JUSTICE

#### Office of Alien Property

ARNE ZACHARIASSEN AND LOUISE ANDREA PETERSEN

#### NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

##### *Claimant, Claim No., and Property*

Arne Zachariassen, Naerum near Copenhagen, Denmark; Louise Andrea Petersen, Copenhagen, Denmark, Claim No. 10370; property described in Vesting Order No. 664 (8 F. R. 4989, April 17, 1943) relating to United States Letters Patent No. 2,116,296, an undivided one-half thereof to each claimant.

Executed at Washington, D. C., on September 22, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,  
*Deputy Director*  
*Office of Alien Property.*

[F. R. Doc. 53-8308; Filed, Sept. 23, 1953; 8:50 a. m.]

JORGEN HELGE JACOBSEN

#### NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date

No. 190—3

of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

##### *Claimant, Claim No., and Property*

Jorgen Helge Jacobsen, Copenhagen, Denmark, Claim No. 32959; property described in Vesting Order No. 290 (7 F. R. 9833, November 26, 1942) relating to Patent Application Serial No. 345,866 (now United States Letters Patent No. 2,356,590).

Executed at Washington, D. C., on September 22, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,  
*Deputy Director*  
*Office of Alien Property.*

[F. R. Doc. 53-8309; Filed, Sept. 23, 1953; 8:51 a. m.]

FRANCIS SONNICHSEN

#### NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

##### *Claimant, Claim No., and Property*

Francis Sonnichsen, Oslo, Norway, Claim No. 34643; property described in Vesting Order No. 672 (8 F. R. 5020, April 17, 1943) relating to United States Letters Patent No. 2,240,896.

Executed at Washington, D. C., on September 22, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,  
*Deputy Director*  
*Office of Alien Property.*

[F. R. Doc. 53-8310; Filed, Sept. 23, 1953; 8:51 a. m.]

SOCIETE ANONYME VITEX ANCIENS  
ETABLISSEMENTS J. CANOUCET

#### NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to Section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

##### *Claimant, Claim No., and Property*

Societe Anonyme Vitex Anciens Etablissements J. Canouet, Le Bourcat (Gironde), France, Claim No. 35532; property described in Vesting Order No. 1691 (8 F. R. 8503, June 22, 1943) relating to a disclosure of invention identified as T. C. 449, Albert Canouet, inventor for "Method and Apparatus of Manufacturing Resin Oils" (now Patent Application Serial No. 742,908).

Executed at Washington, D. C., on September 22, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,  
*Deputy Director*  
*Office of Alien Property.*

[F. R. Doc. 53-8311; Filed, Sept. 23, 1953; 8:51 a. m.]

## FREDERIK VILHELM BELSTRUP

## NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property*

Frederik Vilhelm Belstrup, Copenhagen, Denmark, Claim No. 36100; property described in Vesting Order No. 664 (8 F. R. 4989, April 17, 1943) relating to United States Letters Patent No. 2,163,185.

Executed at Washington, D. C., on September 22, 1953.

For the Attorney General.

[SEAL] PAUL V MYRON,  
Deputy Director  
Office of Alien Property.

[F. R. Doc. 53-8312; Filed, Sept. 28, 1953; 8:51 a. m.]

## OLAF QVILLER

## NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property*

Olaf Qviller, Oslo, Norway, Claim No. 37000; property described in Vesting Order No. 672 (8 F. R. 5020, April 17, 1943) relating to United States Letters Patent No. 2,185,567.

Executed at Washington, D. C., on September 22, 1953.

For the Attorney General.

[SEAL] PAUL V MYRON,  
Deputy Director  
Office of Alien Property.

[F. R. Doc. 53-8313; Filed, Sept. 28, 1953; 8:51 a. m.]

## ROLF HJORTH JOHANSEN

## NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued there-

under and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property*

Rolf Hjorth Johansen, Oslo, Norway, Claim No. 37082; property described in Vesting Order No. 294 (7 F. R. 9840, November 26, 1942) relating to United States Patent Application Serial No. 260,643 (now United States Letters Patent No. 2,313,553).

Executed at Washington, D. C., on September 22, 1953.

For the Attorney General.

[SEAL] PAUL V MYRON,  
Deputy Director  
Office of Alien Property.

[F. R. Doc. 53-8314; Filed, Sept. 28, 1953; 8:52 a. m.]

## PAUL TYRODE

## NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Paul Tyrode, Paris, France, Claim No. 43817; all right, title, interest and claim of any kind or character whatsoever of Paul Tyrode in and to the estate of Anna Hariman Vanderbilt, deceased, in the process of administration by the Treasurer of the City of New York, as depository, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York.

Executed at Washington, D. C., on September 22, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,  
Deputy Director  
Office of Alien Property.

[F. R. Doc. 53-8315; Filed, Sept. 28, 1953; 8:52 a. m.]

## DR. GRETE LAUBE

## NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Dr. Grete Laube, Vienna, Austria, Claim No. 45924; \$504.71 in the Treasury of the United States.

Executed at Washington, D. C., on September 22, 1953.

For the Attorney General.

[SEAL] PAUL V MYRON,  
Deputy Director,  
Office of Alien Property.

[F. R. Doc. 53-8316; Filed, Sept. 28, 1953; 8:52 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 2888 et al.]

SKYTRAIN AIRWAYS, INC., REOPENED LATIN AMERICAN AIR FREIGHT CASE

## NOTICE OF HEARING

In the matter of the fitness, willingness, and ability of Skytrain Airways, Inc., properly to perform the air transportation encompassed within Docket No. 2888 and Docket No. 4473 and to conform to the provisions of the act and the rules, regulations and requirements of the Board thereunder.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 401, 801, and 1001 of said act, that hearing in the above-entitled proceeding is assigned to be held on December 7, 1953, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

The proceeding was reopened for further hearing solely for the purpose of receiving additional evidence on the fitness, willingness, and ability of Skytrain Airways, Inc., properly to perform the air transportation encompassed within Docket No. 2888 and Docket No. 4473 and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

For further details of the issues involved in this proceeding, interested parties are referred to the Board's Order, No. E-6674, issued on June 7, 1952, in the original Latin American Air Freight Case, Docket No. 2888 et al., other pertinent Board orders, and the prehearing conference report which are on file with the Civil Aeronautics Board.

Dated at Washington, D. C., September 24, 1953,

[SEAL] FRANCIS W. BROWN,  
Chief Examiner

[F. R. Doc. 53-8296; Filed, Sept. 28, 1953; 8:47 a. m.]

[Docket No. 6078]

AIR AMERICA, INC., ET AL., ENFORCEMENT PROCEEDING

## NOTICE OF HEARING

In the matter of a complaint against Air America, Inc. and certain allegedly associated companies, including Air America Agency Corporation, Air America Agency, Inc., Airline Reservations, Inc. (New York) Airline Reservations, Inc. (Illinois) and Airline Tickets, Inc., filed by American Airlines, Inc., and



charging aforesaid respondents, together and severally, with violations of section 411 of the Civil Aeronautics Act of 1938, as amended, and with violations of § 291.1 (a) of the Board's Economic Regulations.

Notice is hereby given that a public hearing in the above-entitled proceeding is assigned to be held on October 12, 1953, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

Without limiting the scope of the issues presented by the complaint filed by American Airlines, Inc., particular attention will be given to the question whether the respondents, or any of them, are in violation of section 411 of the act and § 291.1 (a) of the Board's Economic Regulations and whether the Board shall exercise its powers under sections 205 (a) 411, 1002 (b) and 1002 (c) of the act and order the respondents, or any of them, to cease and desist from activities and practices which have allegedly resulted in violations of said section 411 of the act and said § 291.1 (a) of the Board's Economic Regulations.

Notice is hereby further given that any person other than parties of record desiring to be heard in this proceeding must file with the Board on or before October 12, 1953, a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

For further details of the issues involved in this proceeding, all interested parties are referred to the complaint and other documents on file under Docket No. 6078 in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D. C., September 23, 1953.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner

[F. R. Doc. 53-8298; Filed, Sept. 28, 1953;  
8:48 a. m.]

[Docket No. 6188]

AIRWORK LIMITED

NOTICE OF HEARING

In the matter of the application of Airwork Limited for authority to engage in scheduled foreign air transportation of property between the terminal points London or Prestwick, or both, and New York, N. Y., via the intermediate points Iceland, the Azores, Gander and Montreal.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on November 30, 1953, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Without limiting the scope of the issues presented by the application particular attention will be directed to the following questions:

1. Whether the proposed air transportation will be in the public interest.
2. Whether applicant is fit, willing, and able to perform the proposed transportation and to conform to the provisions of the act and the rules, regulations and requirements of the Board thereunder.
3. Whether the requested service would be consistent with the obligations assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and the United Kingdom of Great Britain and Northern Ireland.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Notice is further given that any person other than a party of record desiring to be heard in this proceeding must file with the Board on or before November 30, 1953, a statement setting forth the pertinent issues of fact or law raised by said application which he desires to controvert.

Dated at Washington, D. C., September 24, 1953.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner

[F. R. Doc. 53-8297; Filed, Sept. 28, 1953;  
8:48 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9605, 9997]

GULF BEACHES BROADCASTING CO., INC.,  
AND HILLSBORO BROADCASTING CO.  
(WEBK)

### ORDER SCHEDULING ORAL ARGUMENT

In re applications of Gulf Beaches Broadcasting Co., Inc., St. Petersburg Beach, Florida, Docket No. 9605, File No. BP-7302; E. P. Martin, Alpha Martin and Elmo B. Kitts, d/b as Hillsboro Broadcasting Company (WEBK) Tampa, Florida, Docket No. 9997, File No. BP-7892; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of September 1953;

The Commission having under consideration the Initial Decision herein, the exceptions thereto, and the request for oral argument;

It is ordered, That oral argument herein before the Commission en banc is scheduled for Monday, November 9, 1953 at 10:00 a. m. at the offices of the Commission in Washington, D. C., and is calendared as Argument No. 2.

Released: September 23, 1953.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] DEE W. PINCOCK,  
Acting Secretary.

[F. R. Doc. 53-8304; Filed, Sept. 28, 1953;  
8:50 a. m.]

[Docket Nos. 10250, 10251, 10252]

TRIBUNE CO. ET AL.

### ORDER SCHEDULING ORAL ARGUMENT

In re applications of The Tribune Company, Tampa, Florida, Docket No. 10250, File BPCT 363; Pinellas Broadcasting Company, St. Petersburg, Florida, Docket No. 10251, File BPCT 448; The Tampa Bay Area Telecasting Corp., St. Petersburg, Florida, Docket No. 10252, File BPCT 935; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of September 1953;

The Commission having under consideration the Initial Decision herein, the exceptions thereto, and the request for oral argument;

It is ordered, That oral argument herein before the Commission en banc is scheduled for Monday, November 9, 1953 at 10:00 a. m. at the offices of the Commission in Washington, D. C., and is calendared as argument No. 3.

Released: September 23, 1953.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] DEE W. PINCOCK,  
Acting Secretary

[F. R. Doc. 53-8305; Filed, Sept. 23, 1953;  
8:50 a. m.]

[Docket No. 10678]

NASH, INC.

### ORDER SCHEDULING MATTER FOR HEARING

In the matter of cease and desist order to be directed to Nash, Inc., 316 Barrow Street, Jersey City, New Jersey Docket No. 10678.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the third day of September 1953;

The Commission having under consideration the issuance of an order pursuant to section 312 (b) of the Communications Act of 1934, as amended, to Nash, Inc. to cease and desist from violating Part 18 of the Commission's rules by operating electronic heating equipment which (1) is the source of interference to authorized radio services, and (2) is not certified or licensed in accordance with the Commission's rules;

It appearing, that Nash, Inc., operates in its plant at 316 Barrow Street, Jersey City, New Jersey, certain industrial heating equipment operating on approximately 30 Mc which is subject to the requirements of §§ 18.22, 18.24 and 18.41 of the Commission's rules; and

It further appearing, that the aforementioned equipment causes interference to an authorized radio communication system operated by the United States Army in the vicinity of New York, N. Y., and

It further appearing, that the aforementioned equipment has not been certified by a duly qualified engineer or the

manufacturer of the equipment as required by § 18.22 of the Commission's rules, nor has the equipment been licensed pursuant to § 18.41 of the Commission's rules; and

It further appearing, that the above facts have been called to the attention of Nash, Inc. by the Commission both orally and in writing, and that the corporation has been accorded an opportunity to demonstrate or achieve compliance with all lawful requirements but such demonstration has not been made and such compliance has not been accomplished;

*It is ordered,* Pursuant to section 312 (c) of the Communications Act of 1934, as amended, that Nash, Inc. be and is hereby directed to show cause why there should not be issued an order commanding it to cease and desist from violating the provisions of Part 18 of the Commission's rules by operating industrial hearing equipment without the certification or license required by Part 18 of the Commission's rules, and by operating such equipment in a manner which causes interference to authorized radio services; and

*It is further ordered,* That a hearing in this matter be held in the Commission's offices, Twelfth and Pennsylvania Avenue, NW., Washington 25, D. C. on the 26th day of October 1953, in order to determine whether said cease and desist order should be issued, and that Nash, Inc. is herewith called upon to appear at this hearing and give evidence upon the matters specified herein; and

*It is further ordered,* Pursuant to § 1.402 of the rules, that said Nash, Inc. is directed to file with the Commission within thirty days of the receipt of this order a written appearance in triplicate, stating that the corporation will appear and present evidence on the matter specified in this order if the corporation desires to avail itself of its opportunity to appear before the Commission. If said Nash, Inc. does not desire to appear before the Commission and give evidence on the matter specified herein, it shall, within thirty days of the receipt of this order, file with the Commission, in triplicate, a written waiver of hearing. Such waiver may be accompanied by a statement of reasons why Nash, Inc. believes that a cease and desist order should not be issued, and

*It is further ordered,* That failure of said Nash, Inc. timely to respond to this order or failure to appear at the hearing designated herein will be deemed a waiver of hearing.

Released: September 8, 1953.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] WM. P. MASSING,  
Acting Secretary.

[F. R. Doc. 53-8306; Filed, Sept. 28, 1953;  
8:50 a. m.]

[Change List No. 7]

# CUBAN BROADCAST STATIONS

## NOTIFICATION OF NEW STATIONS, CHANGES, MODIFICATIONS AND DELETIONS

AUGUST 20, 1953.

Notification of new Cuban radio stations, and of changes, modifications and deletions of existing stations, in accordance with Part III, section F of the North American Regional Broadcasting Agreement, Washington, D. C., 1950.

REPUBLIC OF CUBA

Call letters	Location	Power (kw.)	Antenna	Schedule	Class	Proposed date of change or commencement of operation
GMHY (New)	Cabaiguan, Las Villas.....	1690 kilocycles 0.1	ND	U	IV	June 2, 1954

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,  
DEE W. PINCOCK,  
Acting Secretary.

[F. R. Doc. 53-8307; Filed, Sept. 28, 1953; 8:50 a. m.]

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 23491]

MIXED CARLOADS OF MERCHANDISE FROM  
CHICAGO, ILL., TO TALLAHASSEE, FLA.

APPLICATION FOR RELIEF

SEPTEMBER 24, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. G. Raasch, Agent, for carriers parties to schedule listed below. Commodities involved: Merchandise in mixed carloads.

From: Chicago, Ill., and points grouped therewith.

To: Tallahassee, Fla.

Grounds for relief: Competition with rail carriers, circuitous routes, competition with motor carriers.

Schedules filed containing proposed rates: R. G. Raasch, Agent, tariff I. C. C. No. 752, supp. 23.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD,  
Acting Secretary.

[F. R. Doc. 53-8287; Filed, Sept. 28, 1953;  
8:46 a. m.]

[4th Sec. Application 28492]

PLASTERBOARD FROM FORT DODGE, IOWA,  
TO ST. MATTHEWS, KY.

APPLICATION FOR RELIEF

SEPTEMBER 24, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by W. J. Prueter, Agent, for carriers parties to schedule listed below. Commodities involved: Plasterboard, carloads.

From: Fort Dodge, Iowa.

To: St. Matthews, Ky.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates; W. J. Prueter, Agent, tariff I. C. C. No. A-3770, supp. 17.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD,  
Acting Secretary.

[F. R. Doc. 53-8288; Filed, Sept. 20, 1953;  
8:46 a. m.]

[4th Sec. Application 28493]

PITCH AND TAR FROM IRONTON, OHIO, TO  
GREGORY, TEX.

## APPLICATION FOR RELIEF

SEPTEMBER 24, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeier, Agent, for carriers parties to schedule listed below.

Commodities involved: Pitch and tar, coal or petroleum, in tank-car loads.

From: Ironton, Ohio.

To: Gregory, Tex.

Grounds for relief: Competition with water carriers.

Schedules filed containing proposed rates: F. C. Kratzmeier, Agent, tariff I. C. C. No. 3912, supp. 207.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,  
Acting Secretary.

[F. R. Doc. 53-8289; Filed, Sept. 28, 1953;  
8:47 a. m.]

[4th Sec. Application 28494]

FIBREBOARD OR PULPBOARD CANS FROM  
SOUTH TO OFFICIAL TERRITORY

## APPLICATION FOR RELIEF

SEPTEMBER 24, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cans, fibreboard, paper, or pulpboard, with or without metal tops or bottoms, carloads.

From: Points in southern territory.

To: Points in official and Illinois territories.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, to apply rates constructed on the basis of the short-line distance formula.

Schedules filed containing proposed rates: C. W. Boin, Agent, tariff I. C. C. No. A-726, supp. 282.

Any interested person desiring the Commission to hold a hearing upon such

application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,  
Acting Secretary.

[F. R. Doc. 53-8290; Filed, Sept. 28, 1953;  
8:47 a. m.]

SECURITIES AND EXCHANGE  
COMMISSION

[File No. 31-607]

ARKANSAS-MISSOURI POWER Co.

## ORDER GRANTING TEMPORARY EXEMPTION

SEPTEMBER 23, 1953.

Arkansas-Missouri Power Company, a public utility and holding company, having filed an application requesting exemption for a period of one year from the provisions of the Public Utility Holding Company Act of 1935 ("act"), pursuant to section 3 (a) (2) thereof, for itself and its subsidiaries, Associated Natural Gas Company, a gas utility company, and Mo-Ark Ice Company and Ark-Mo Ice Company, both of which are non-utility companies; and

Due notice of the filing of said application having been given and no hearing thereon having been ordered by or requested of the Commission, and the Commission having examined the said application and the statements contained therein and having found that the applicable standards of section 3 (a) (2) of the act are satisfied and deeming it appropriate in the public interest and the interests of investors and consumers to grant the said application:

*It is hereby ordered*, That the application of Arkansas-Missouri Power Company be, and the same hereby is, granted.

*It is further ordered*, That this order shall become effective upon issuance.

By the Commission.

[SEAL] ORVAL DUBOIS,  
Secretary.

[F. R. Doc. 53-8283; Filed, Sept. 28, 1953;  
8:45 a. m.]

[File Nos. 54-63, 59-47]

REPUBLIC SERVICE CORP. AND SUBSIDIARIES  
NOTICE OF FILING OF SUPPLEMENTAL APPLICATION REGARDING AMENDED JOINT PLAN OF REORGANIZATION

SEPTEMBER 23, 1953.

By order dated April 29, 1948 the Commission approved an Amended Joint

Plan (the "plan") designed to effectuate compliance by Republic Service Corporation ("Republic"), a registered holding company, with the requirements of section 11 (b) of the Public Utility Holding Company Act of 1935 ("the act"). The plan, which was ordered enforced by the United States District Court for the District of Delaware by Order dated May 28, 1948, provided among other things, for the organization of a new corporation in Pennsylvania ("Pennsylvania Corporation") to take over all the assets and assume all the liabilities of Republic, and for the pro rata distribution of 70,324 shares of \$10 par value common stock of Pennsylvania Corporation among the holders of Republic's preferred stock.

On August 23, 1948, before any steps were taken to consummate the plan, Republic, with the Court's permission, amended the plan so as to defer temporarily the organization of Pennsylvania Corporation in order to retain for Republic's stockholders the tax benefits of certain capital loss carry-overs, under section 117 (e) of the Internal Revenue Code. The amendment further provided that, in lieu of common stock of Pennsylvania Corporation, Republic, as a continuing corporation, would distribute 70,324 shares of its own new \$10 par value common stock pro rata among its preferred stockholders, and that prior to January 1, 1953 or after full use had been made of Republic's capital-loss carry-overs, Pennsylvania Corporation would be organized for the purpose above stated. The plan, as so amended, was approved by the Commission and ordered enforced by the District Court by Orders dated September 16, 1948 and September 17, 1948, respectively, and has since been consummated. In said Order of September 16, 1948 the Commission reserved jurisdiction with respect to the organization of Pennsylvania Corporation and with respect to such further proceedings, supplemental findings and further action as might be necessary in connection with the plan, as amended, the transactions incident thereto, and the consummation thereof.

Republic's assets, other than current, presently consist of 100 percent of the voting securities of Cumberland Valley Electric Corporation ("Cumberland") a Pennsylvania electric utility company 20,150 shares of the common stock of General Public Utilities Corporation ("GPU") a registered holding company, and all of the stock of Republic Service Management Company ("Management"), an inactive service company, whose total assets consist of marketable securities with a value of approximately \$10,000. As of April 30, 1953, Republic's total consolidated assets amounted to \$2,434,906 (per books) and its outstanding securities consisted solely of 70,324 shares of common stock with a par value of \$10 per share.

The availability of Republic's capital loss carry-overs being due to expire on December 31, 1953, Republic has now filed with the Commission a supplemental application proposing, among other things, to organize Pennsylvania Corporation. The transactions proposed therein are summarized as follows:

1. Republic, with stockholder approval, will reclassify its presently outstanding common stock from \$10 par value to \$5 par value.

2. Republic will distribute 20,092.6 shares of the common stock of GPU to the holders of the 70,324 shares of Republic's presently outstanding common stock on the basis of 2/7 share of GPU for each share of Republic. The distribution of shares of GPU will be transmitted to stockholders by Provident Trust Company of Philadelphia, Transfer Agent for the shares of Republic, without the necessity of having stockholders forward their present shares of new series common stock of Republic. Only full shares of the GPU stock will be delivered and holders entitled to fractional shares will receive registered Certificates of Interest in shares of GPU, \$5 par value common stock, for such fractional shares; these Certificates of Interest may be accumulated in order to receive whole shares, and unless so accumulated and presented for whole shares shall expire by their terms at the end of six months after issuance, at which time Provident Trust Company of Philadelphia, Distribution Agent, shall sell the shares of GPU to which the remaining Certificates of Interest are entitled, and forward the cash proceeds to the holders of the Certificates of Interest as they appear on the records of Provident Trust Company of Philadelphia.

3. Republic will sell at private sale the remaining shares of GPU which it holds.

4. Republic will cause its wholly owned subsidiary, Management, to dissolve and liquidate.

5. Republic will organize Pennsylvania Corporation with an authorized capital of 100,000 shares of \$5 value common stock.

6. Republic will deliver all of its remaining assets, subject to all its liabilities, to Pennsylvania Corporation in exchange for the latter's 70,324 shares of \$5 par value common stock, which in turn will be distributed to Republic's stockholders, on a share-for-share basis.

7. Republic will be dissolved.

Notice is given that any person may, not later than October 14, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matters before a hearing officer of the Commission, stating therein the reasons for such request and the nature of his interest, and the issues of law or fact raised by said supplemental application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary Securities and Exchange Commission, 425 Second Street, N. W. Washington 25, D. C. At any time after October 14, 1953, said supplemental application as filed or as modified may be granted or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule 100 of the rules and regulations promulgated under the act.

It is ordered, That the Secretary of the Commission shall mail a copy of this

notice by registered mail to Republic and that notice be given to all other interested persons by general release of the Commission and by publication of this notice in the FEDERAL REGISTER.

It is further ordered, That Republic shall mail a copy of this notice to all of its shareholders of record, at least 10 days prior to October 14, 1953.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F R. Doc. 53-8281; Filed, Sept. 28, 1953;  
8:45 a. m.]

[File No. 70-3127]

DUQUESNE LIGHT CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER RESULTS OF COMPETITIVE BIDDING IN THE SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS

SEPTEMBER 23, 1953.

Duquesne Light Company ("Duquesne"), a subsidiary of Philadelphia Company, a registered holding company and a subsidiary of Standard Gas and Electric Company and Standard Power and Light Corporation, both also registered holding companies, has filed an application-declaration, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 regarding, among other things, the issue and sale by Duquesne, pursuant to Rule U-50, of \$12,000,000 principal amount of its First Mortgage Bonds, Series due September 1, 1983, and 100,000 shares of its -- percent Preferred Stock, par value \$50 per share.

The Commission, by order dated September 8, 1953, having granted and permitted to become effective said application-declaration, except that the proposed sales of securities were not to be consummated until the results of competitive bidding, pursuant to Rule U-50, were made a matter of record and a further order or orders issued, for which purpose jurisdiction was reserved; and

Duquesne having filed a further amendment to its application-declaration in which it is stated that, in accordance with the permission granted by said order of the Commission, dated September 8, 1953, Duquesne offered the said bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and received the following bids:

Bidding group headed by—	Annual interest rate (percent)	Price to company (percent of principal)	Annual cost to company (percent)
Halsey, Stuart & Co., Inc.	3 3/4	101.3099	3.5536
The First Boston Corp.	3 3/4	101.0699	3.5696
Glore, Forgan & Co.	3 3/4	100.91	3.5753
Kuhn, Leob & Co.	3 3/4	100.91	3.5753
White, Weld & Co.	3 3/4	100.907	3.5764
Drexel & Co. and Equitable Securities Corp.	3 3/4	100.789	3.5818
Harriman, Ripley & Co., Inc.	3 3/4	100.779	3.5824

<sup>1</sup> Plus accrued interest from Sept. 1, 1953 to date of delivery and payment.

Said amendment having further stated that Duquesne has accepted the bid of Halsey, Stuart & Co., Inc. for the purchase of the bonds, as set forth above, and that the bonds will be offered for sale to the public at a price of 101.93 percent of the principal amount thereof, plus accrued interest from September 1, 1953, resulting in an underwriters' spread of 0.6201 percent of the principal amount of the bonds, or an aggregate of \$74,412; and

The Commission having examined said amendment and having considered the record herein and finding no reason for imposing any terms or conditions with respect to the price to be received by Duquesne for the bonds, the interest rate, the underwriters' spread, or otherwise, and it appearing appropriate to the Commission that the jurisdiction heretofore reserved over the results of competitive bidding with respect to the issuance and sale of the bonds be released:

It is ordered, That the application-declaration, as further amended, be, and the same hereby is, granted and permitted to become effective forthwith, and that the jurisdiction heretofore reserved over the results of competitive bidding with respect to the aforesaid sale of said bonds by Duquesne be, and the same hereby is, released, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved herein over the results of competitive bidding with respect to the proposed sale of preferred stock by Duquesne and over all fees and expenses be, and the same hereby is, continued.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F R. Doc. 53-8285; Filed, Sept. 28, 1953;  
8:46 a. m.]

[File No. 70-3130]

MISSISSIPPI POWER CO.

ORDER AUTHORIZING ISSUE AND SALE OF BONDS

SEPTEMBER 23, 1953.

Mississippi Power Company ("Mississippi"), a public utility subsidiary of The Southern Company, a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), and having designated sections 6 (a) and 7 of the act and Rule U-50 thereunder as applicable to the proposed transaction which is summarized as follows:

Mississippi proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, \$4,000,000 principal amount of its First Mortgage Bonds -- Percent Series due 1983. Said bonds are to be secured by a principal indenture dated as of September 1, 1941, between Mississippi and Guaranty Trust Company of New York, as Trustee, as supplemented by various supplemental indentures including a supplemental in-

[File Nos. 812-845]

## INCORPORATED INVESTORS AND MANAGEMENT ASSOCIATES

## NOTICE OF APPLICATION FOR EXEMPTION FROM PROVISIONS REQUIRING INVESTMENT ADVISORY CONTRACT TO HAVE APPROVAL OF STOCKHOLDERS

SEPTEMBER 23, 1953.

indenture to be dated as of October 1, 1953. The interest rate on the bonds (which shall be a multiple of  $\frac{1}{8}$  of 1 percent) and the price to Mississippi (which shall be not less than 100 percent or more than 102 $\frac{3}{4}$  percent of the principal amount thereof plus accrued interest) will be determined by competitive bidding and supplied by amendment.

Mississippi proposes to apply the proceeds from the sale of the bonds toward the construction or acquisition of permanent improvements, extensions and additions to its utility plant. In this connection the declaration states that Mississippi's total expenditures for property additions from January 1, 1953, through June 30, 1953, amounted to \$3,361,087 and that the total for the years 1953 and 1954 is estimated at \$10,682,000, of which approximately \$6,601,000 is scheduled for expenditure during 1953 and \$4,081,000 during 1954. It is stated that no State or Federal Commission, other than this Commission, has jurisdiction over the proposed transaction.

It is requested that the Commission's order herein become effective upon the issuance thereof.

Due notice having been given of the filing of the declaration, and a hearing not having been requested or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration, as amended, be permitted to become effective:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of said act, that said declaration, as amended, be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that the proposed sale of bonds shall not be consummated until the results of competitive bidding with respect thereto shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

*It is further ordered*, That jurisdiction be, and hereby is, reserved over the payment of all fees and expenses incurred or to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.[F. R. Doc. 53-8283; Filed, Sept. 28, 1953;  
8:45 a. m.]

Notice is hereby given that Incorporated Investors, a registered open-end diversified management investment company, and Management Associates, a business trust providing investment advisory and management services to Incorporated Investors pursuant to a written contract, have filed an application pursuant to sections 6 (c) and 15 (a) of the act, for an order exempting letter agreements dated August 3, 1953, which constitute a written investment advisory contract, from the provisions of section 15 (a) of the act to the extent that such statutory provision might be construed to require approval thereof by a vote of a majority of the outstanding voting securities of Incorporated Investors, and requesting also an exemption from said section 15 (a) of the act of all actions of Management Associates which may have been taken since August 2, 1953 as investment adviser.

Management Associates has provided investment advisory and management services to Incorporated Investors since April 1951, pursuant to a written contract, in accordance with the provisions of section 15 (a) and 15 (c) of the act. The contract provided, inter alia, that it would automatically terminate in the event that it is assigned by either party. Assignment is defined in the contract and in the act (section 2 (a) (4)) as including "any direct or indirect transfer \* \* \* by the assignor, or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor."

Management Associates is a business trust with outstanding capital securities consisting only of 6,000 transferable voting shares. William Tudor Gardiner owned 3,000 of the transferable voting shares, prior to his death on August 2, 1953. The applicants state that they do not consider the death of Gardiner to have terminated the contract, but since Gardiner's death resulted in the transfer by operation of law of his shares in Management Associates to his estate, the applicants believe that the transfer might be interpreted, under the provisions of the act, to effect a termination in the management contract. Under the circumstances the applicants believe that an exemptive order should be obtained to remove any question about it

and to enable management services to be furnished to Incorporated Investors on a clearly valid basis until a sale or other transfer by the executors of Gardiner's estate of his shares of Management Associates, which constitutes a controlling block of such stock. Accordingly, on August 2, 1953, pursuant to authority of the Board of Directors, Incorporated Investors entered into letter agreements with Management Associates, subject to approval under the act, for continued service under the management contract upon the terms therein provided. The authorizations for continued service were approved by the majority of the Board of Directors of Incorporated Investors, including three directors presently not officers of Incorporated Investors or interested in or affiliated persons of Management Associates.

The applicants state that no change has been made by Management Associates since August 2, 1953, in its policies, practices or services under its previously existing contract with Incorporated Investors, and that none is contemplated.

The exemptions applied for will only continue until the executors of Gardiner's estate shall dispose of his shares of Management Associates, since such disposition will be an assignment of a controlling block of the shares of Management Associates, thus terminating its investment advisory contract, and in any event shall continue not later than the next annual stockholders' meeting of Incorporated Investors, to be held in March 1954, at which time the company proposes to submit to its stockholders a new investment advisory contract.

Notice is further given that any interested person may, not later than October 2, 1953, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.[F. R. Doc. 53-8224; Filed, Sept. 23, 1953;  
8:46 a. m.]



